

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 3

In the Matter of:

Starbucks Corporation,	Case Nos.
	03-CA-285671 03-CA-290555,
Employer,	03-CA-291157 03-CA-291196,
	03-CA-291197 03-CA-291199,
and	03-CA-291202 03-CA-291377,
	03-CA-291378 03-CA-291379,
Workers United,	03-CA-291381 03-CA-291386,
	03-CA-291395 03-CA-291399,
Union.	03-CA-291408 03-CA-291412,
	03-CA-291416 03-CA-291418,
	03-CA-291423 03-CA-291431,
	03-CA-291434 03-CA-291725,
	03-CA-292284 03-CA-293362,
	03-CA-293469 03-CA-293489,
	03-CA-293528 03-CA-294336,
	03-CA-293546 03-CA-294341,
	03-CA-294303 03-CA-206200

Place: Buffalo, New York

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

<p>In the Matter of:</p> <p>STARBUCKS CORPORATION,</p> <p style="text-align:right">Charged Party,</p> <p>and</p> <p>WORKERS UNITED,</p> <p style="text-align:right">Union.</p>	<p>Case Nos.</p> <p>03-CA-285671 03-CA-290555,</p> <p>03-CA-291157 03-CA-291196,</p> <p>03-CA-291197 03-CA-291199,</p> <p>03-CA-291202 03-CA-291377,</p> <p>03-CA-291378 03-CA-291379,</p> <p>03-CA-291381 03-CA-291386,</p> <p>03-CA-291395 03-CA-291399,</p> <p>03-CA-291408 03-CA-291412,</p> <p>03-CA-291416 03-CA-291418,</p> <p>03-CA-291423 03-CA-291431,</p> <p>03-CA-291434 03-CA-291725,</p> <p>03-CA-292284 03-CA-293362,</p> <p>03-CA-293469 03-CA-293489,</p> <p>03-CA-293528 03-CA-294336,</p> <p>03-CA-293546 03-CA-294341,</p> <p>03-CA-294303 03-CA-206200</p>
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The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at the Jackson Courthouse, Wyoming Courtroom, 2 Niagara Square, Buffalo, New York 14202-2465, on **Monday, August 1, 2022, 9:03 a.m.**



A P P E A R A N C E S**On behalf of the Respondent:****JACQUELINE PHIPPS-POLITO, ESQ.****ETHAN BALSAM, ESQ.****WILLIAM WHALEN, ESQ.**

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Gianna Reeve	1070	1122, 1124		1133	
William Westlake	1136	1192	1210		
Brian Murray	1213				
Sydney Jameson-Blowers	1252	1266			



E X H I B I T S

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EXHIBITIDENTIFIEDIN EVIDENCE

4

General Counsel:

5	GC-80	1073	1074
6	GC-81	1074	1087
7	GC-82	1076	1087
8	GC-83	1078	1087
9	GC-84	1079	1087
10	GC-85	1081	1087
11	GC-86	1083	1087
12	GC-87 (a)	1090	1093
13	GC-87 (b)	1090	1093
14	GC-88	1113	1114
15	GC-89	1138	1150
16	GC-90	1140	1150
17	GC-91	1140	1150
18	GC-92	1141	1150
19	GC-93	1142	1150
20	GC-94	1144	1150
21	GC-95	1145	1150
22	GC-96	1146	1150
23	GC-97	1148	1150
24	GC-98 (a)	1162	1162
25	GC-98 (b)	1162	1162

1	GC-99 (a)	1162	1162
2	GC-99 (b)	1162	1162
3	GC-100 (a)	1162	1162
4	GC-100 (b)	1162	1162
5	GC-101	1263	1264
6	GC-102	1249	1250
7	GC-103	1211	1212
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- 1 A My pronouns are she/her.
- 2 Q And where do you work?
- 3 A I work at Starbucks on Camp Road.
- 4 Q How long have you worked for Starbucks?
- 5 A I've worked for Starbucks for almost two years now.
- 6 Q Have you worked at any other location other than Camp Road
7 as your home store?
- 8 A I have. I worked at the McKinley location on McKinley
9 Milestrip.
- 10 Q And when did you stop working at McKinley?
- 11 A In April of 2021.
- 12 Q And when did you start working at Camp Road?
- 13 A In April of 2021.
- 14 Q What's your current job position?
- 15 A Shift supervisor.
- 16 Q Have you held any other positions with Starbucks?
- 17 A No.
- 18 Q And Gianna, are you familiar with Workers United?
- 19 A I am.
- 20 Q And are you familiar with the Starbucks Workers United
21 organizing committee?
- 22 A I am.
- 23 Q How are you familiar with the organizing committee?
- 24 A I am a member of the Starbucks Workers United organizing
25 committee.

1 Q When did you join the committee?

2 A I joined the committee in August of 2021.

3 Q How did you learn about it?

4 A I learned about it through a meeting held at the Tri-Main
5 Center downtown.

6 MS. POLITO: Excuse me, Alicia. I have to get her headset
7 too. Voice is a little softer than Jessica's.

8 MS. STANLEY: It's been said.

9 MS. POLITO: Excuse me. Thank you.

10 Q BY MS. STANLEY: Gianna, what did you do as a member of
11 the organizing committee?

12 A As a member of the organizing committee, it was my
13 responsibility to inform, educate partners at my location at
14 Camp Road about what it would mean to unionize, what unionizing
15 might look like for our store, what it means to even be in a
16 union. Any questions that they had about anything to do with
17 organizing, I would try my best to answer.

18 Q Are you familiar with a letter that the organizing
19 committee sent to Kevin Johnson on August 23rd, 2021?

20 A Yes, I am.

21 Q How are you familiar with that letter?

22 A I signed it.

23 Q Did you ever show support for the Union while at work?

24 A I did.

25 Q How did you do that?



1 A I would often wear my Union pin at work, either variety of
2 it, rainbow or green. I would often be in the back talking
3 about the Union openly up until about a week after the initial
4 announcement of the Union drive. I was fairly vocal about my
5 union as part of my store.

6 Q In August of 2021, approximately how many hourly partners
7 were there at Camp Road?

8 A I would estimate between 20 to 25.

9 Q Gianna, I'm going to ask you to look at the first card in
10 the stack in front of you. Do you recognize this card?

11 A Yes. This is my Union card -- well, a copy.

12 Q Did you sign this card?

13 A I did.

14 Q And is that your signature at the bottom?

15 A It is.

16 Q When did you sign the card?

17 A I signed this on August 22nd, 2021.

18 Q Is that the date that's on there?

19 A Yes.

20 Q Where were you when you signed this card?

21 A I was at the Tri-Main Center downtown.

22 Q And what did you do with the card after you signed it?

23 A I kept it secure at the Tri-Main Center in a fold -- a
24 folder labeled "Camp Road", and it stayed there.

25 JUDGE ROSAS: Can you spell that center?

1 THE WITNESS: Yeah. It's T-R-I hyphen M-A-I-N space
2 C-E-N-T-E-R.

3 Q BY MS. STANLEY: And do you know what was done with the
4 card after you signed it?

5 A It was submitted as part of Camp Road's filing for a union
6 election, and then it was turned over for the NLRB hearing.

7 Q Gianna, is the document in front of you a true and
8 accurate copy of the card you signed?

9 A Yes.

10 MS. STANLEY: Your Honor, I would offer General Counsel
11 Exhibit 80.

12 JUDGE ROSAS: Voir dire?

13 MS. POLITO: No objection, Judge.

14 JUDGE ROSAS: General Counsel's 80 is received.

15 **(General Counsel Exhibit Number 80 Received into Evidence)**

16 Q BY MS. STANLEY: Gianna, did you solicit any cards from
17 other Camp Road partners?

18 A I did.

19 Q Who did you solicit cards from?

20 A I solicited cards from Donnie Golden, Skyler Miranda,
21 Danelle Kanavel, CJ Geniti, Elissa Pfleuger, and Carly Lawson.

22 Q Take a look at the next document in the stack of cards in
23 front of you. Do you recognize that document?

24 A I do. This is Elissa Pfleuger's Union card.

25 Q How do you know Elissa?



1 A She is one of my coworkers at Camp Road.

2 Q Were you present when Elissa signed this card?

3 A I was.

4 Q Did you watch her sign it?

5 A I did.

6 Q Did she sign her card on the date that's at the bottom?

7 A Yes.

8 Q Where were you when Elissa signed this card?

9 A I was with Elissa in the back of house at Camp Road. We
10 were sitting at the back table, and we were -- yeah.

11 Q Was anyone else present?

12 A CJ Geniti was present.

13 Q How did it come about with Elissa signing this card?

14 A I was in the back discussing the Union drive and talking
15 about what it meant. I had a Q&A with me, and Elissa did show
16 initial interest. She said that she wanted to read something
17 before she just signed a card, so I offered her the Q&A,
18 answered any questions she had, and she was interested in
19 signing.

20 Q What, if anything, did you say about what the card was
21 for?

22 A I said that the card shows that you want to be represented
23 by Workers United. I said that this card is -- basically, if
24 we had enough cards at Camp Road and there was enough interest
25 shown by these cards, it could lead to a petition for a union

1 election, but it doesn't guarantee a union election.

2 Q And what did Elissa do with the card after she signed it?

3 A She gave it to me.

4 Q And what did you do with the card after you received it
5 from her?

6 A I kept the card secure in my car until later on where I
7 brought it to the Tri-Main Center downtown.

8 Q And is this document in front of you a true and accurate
9 copy of Elissa's card?

10 A It is.

11 MS. STANLEY: Your Honor, I offer General Counsel Exhibit
12 81.

13 MS. POLITO: Your Honor, I'm going to object to the next
14 81 through 86 because these are all signed by someone other
15 than the witness.

16 JUDGE ROSAS: Hold on a second. Let me interrupt you.

17 MS. POLITO: Yeah.

18 JUDGE ROSAS: Why don't you get right down to it, Counsel,
19 as a group. Go through all of them at one time.

20 MS. STANLEY: Of course.

21 Q BY MS. STANLEY: Gianna, let's look at the next card in
22 front of you. Do you recognize this card?

23 A Yes, this is CJ Geniti -- or well, Colin Geniti's Union
24 card.

25 Q How do you know Mr. Geniti.

- 1 A He is one of my coworkers at Camp Road, as well.
- 2 Q Were you present when he signed this card?
- 3 A I was.
- 4 Q Did you watch him sign it?
- 5 A I did.
- 6 Q Was it signed on the date that's on the card?
- 7 A Yes.
- 8 Q Where were you when you -- when he signed the card?
- 9 A We were also in the back of house. It was shortly after I
- 10 was done speaking with Elissa. CJ was also around when I was
- 11 with her.
- 12 Q And how did it come about that CJ signed this card?
- 13 A He overheard me speaking with Elissa and had questions of
- 14 his own which I answered, and he was also interested in signing
- 15 a Union card. I gave the same kind of, like, explanation of
- 16 what the Union card is, what it means to sign one, and again, I
- 17 just stated, you know, this could mean a union election but it
- 18 does not guarantee one. You're signing this to say, like, you
- 19 want to be represented by Workers United.
- 20 Q And what did CJ do with the card after he signed it?
- 21 A He gave it to me.
- 22 Q And what did you do after receiving it?
- 23 A I kept it secure in my vehicle until I brought it to the
- 24 Tri-Main Center at a later date.
- 25 Q Is this a true and accurate copy of CJ's card?

- 1 A Yes, it is.
- 2 Q Let's look at the next card. Do you recognize this?
- 3 A Yes.
- 4 Q` What is this?
- 5 A This is Carly Lawson's Union card.
- 6 Q And how do you know Carly Lawson?
- 7 A Carly Lawson was a coworker of mine at Camp Road.
- 8 Q Were you present when Carly signed the card?
- 9 A I was.
- 10 Q Did you watch Carly sign it?
- 11 A I did.
- 12 Q And did she sign it on the date that's on the bottom of
- 13 the card?
- 14 A Yes, she did.
- 15 Q Where were you when Carly signed this card?
- 16 A I was also in the back of house. It was about five to ten
- 17 minutes after I originally talked to Elissa and CJ, and we had
- 18 a conversation. I asked if she knew anything about unionizing
- 19 and so on.
- 20 Q And what, if anything, did you say about what the card was
- 21 for?
- 22 A I basically read over the card with her and said this
- 23 means that you'd like to be represented by a union,
- 24 specifically Workers United, that this card isn't, like, you
- 25 sign one card and you have a union election, but if enough

1 people at Camp Road were to sign cards, it could potentially
2 lead to a union election.

3 Q Was anyone else present during this this conversation?

4 A No.

5 Q What did Carly do with the card after signing it?

6 A She gave it to me.

7 Q And what did you do after she gave it to you?

8 A I kept it secure in my vehicle until I brought it to Tri-
9 Main Center.

10 Q And is this document a true and accurate copy of Carly's
11 card?

12 A It is.

13 Q Okay, the next card. Do you recognize this document?

14 A Yes.

15 Q What is this?

16 A This is Danelle Kanavel's Union card.

17 Q How do you know Danelle?

18 A Danelle is a fellow shift supervisor with me at Camp Road.

19 Q Were you present when Danelle signed the card?

20 A Yes.

21 Q And did you watch her sign it?

22 A I did.

23 Q Did she sign it on the date that's on the card?

24 A Yes.

25 Q Where were you when Danelle signed the card?

1 A We were in my car outside in the front parking lot of Camp
2 Road's -- of the Camp Road Starbucks.

3 Q Was anyone else present?

4 A No.

5 Q How did it come about that Danelle signed this card?

6 A It was recently after I had spoken with two other partners
7 that day, and I was getting in my car, fiddling on my phone for
8 a bit getting ready to leave, and I noticed Danelle walking out
9 of Starbucks, so I kind of flagged her over, and I was like,
10 hey, do you have time to talk? She did, and we sat in my car
11 for a while and discussed the Union drive. This was the day
12 after I initially started talking with everybody and having
13 people sign cards, so she kind of already knew a little bit and
14 got wind of a couple things, and she was interested, and she
15 signed.

16 Q What, if anything, did you tell her about what the card
17 was for?

18 A I told her that this card shows that you want to be
19 represented by a union, specifically Workers United. This card
20 isn't 100 percent that we're going to have a union election,
21 but say if enough people in the store wanted to do so and they
22 did sign cards to show, that this could lead to a union
23 election.

24 Q What did Danelle do with the card after she signed it?

25 A She gave it to me.



1 Q And what did you do with it after she gave it to you?

2 A I kept it secure in my vehicle until I brought it to the
3 Tri-Main Center on another date.

4 Q And is this document a true and accurate copy of Danelle's
5 card?

6 A It is.

7 Q Let's go to the next card. Do you recognize this
8 document?

9 A I do.

10 Q What is this?

11 A This is Donovan's Union card.

12 Q How do you know Donovan?

13 A Donovan is one of my coworkers at Camp Road.

14 Q And were you present when Donovan signed this card?

15 A I was.

16 Q Did you watch him sign it?

17 A I did.

18 Q Did he sign on the date that's on the card?

19 A He did.

20 Q Where were you when Donovan signed this card?

21 A Donovan and I were in the lobby of Camp Road.

22 Q Was anyone else present?

23 A No.

24 Q How did it come about that Donovan signed this card?

25 A Donovan and I were talking. I was in Camp Road hanging

1 around trying to talk to people if they had spare time, and he
2 was coming out of work, so we sat down in the lobby and I asked
3 him if he knew anything about unionizing, what that would mean.
4 I even asked him if he knew anything about union dues. We had
5 a conversation back and forth, question and answer, until he
6 expressed interest in signing the Union card.

7 Q And what, if anything, did you tell him about what the
8 card was for?

9 A I told him that this card shows that you'd want to be
10 represented by a union, Workers United -- Starbucks Workers
11 United and just let him know that this doesn't mean that we're
12 going to have a union election just based on one card, but if
13 enough people had cards at Camp Road and they wished to sign
14 and -- to this, it would potentially lead to a union election.

15 Q What did Don -- what did Donovan do with the card after
16 signing it?

17 A He gave it to me.

18 Q And what did you do with the card after he gave it to you?

19 A I kept it secure with me and secure in my vehicle until I
20 brought it to the Tri-Main Center downtown.

21 Q And is this a true and accurate copy of Donovan's card?

22 A It is.

23 Q And let's go to the final card, and do you recognize this
24 document?

25 A I do.

- 1 Q And what is this?
- 2 A This is Skyler Miranda's Union card.
- 3 Q How do you know Skyler?
- 4 A Skyler is one of my coworkers at Camp Road.
- 5 Q Were you present when the card was signed?
- 6 A Yes.
- 7 Q Did you watch Skyler sign it?
- 8 A I did.
- 9 Q And did she sign on the date that's on the card?
- 10 A Yes.
- 11 Q And where were you when Skyler signed this card?
- 12 A We were in Camp Road Starbucks' lobby.
- 13 Q And was anyone else present?
- 14 A No.
- 15 Q How did it come about that this card was signed?
- 16 A In a similar sort of way to Donovan. Skyler was out of
17 work, so I got a chance to speak with her. We just sat in the
18 lobby and had a conversation. I asked her what she knew about
19 unionizing. We talked back and forth about what she'd like to
20 see change in the store, and she later on at this conversation
21 expressed interest in signing the Union card.
- 22 Q What, if anything, did you say about what the card was
23 for?
- 24 A I let her know that this card represents her authorizing
25 Workers United to represent her in collective bargaining, that

1 this doesn't mean that we're going to have a union election at
2 Camp Road if she just signs the card only, but if enough people
3 were to sign cards, that it could lead to a union election, and
4 I let her know that her card signing was anonymous. She could
5 basically -- you know, she didn't have to worry about anything
6 happening with her card.

7 Q What did Skyler do with the card after signing it?

8 A She gave it to me.

9 Q And what did you do after receiving it?

10 A I kept it secure in my vehicle until I brought it to the
11 Tri-Main Center.

12 Q When was the full date that Skyler signed this card?

13 A August 23rd, 2021.

14 Q How do you know that was the date?

15 A I was there.

16 Q And is this a true and accurate copy of Skyler's card?

17 A It is.

18 MS. STANLEY: Your Honor, at this point, I offer General
19 Counsel Exhibit 81 through 86.

20 JUDGE ROSAS: Respondent.

21 MS. POLITO: Your Honor, on day 1 of this hearing, we were
22 told that if a witness comes in to talk about the R petition
23 that they would have to testify that that was the purpose of
24 their offering testimony. It's clear that that's a purpose
25 based on these questions, but the witness did not initially

1 testify to that, so I wanted to point that out, number 1.

2 Number 2, the cards are not properly authenticated. The
3 witness has testified to her conversation with respect to what
4 she told these witnesses, but there's no indication as to why
5 these particular individuals signed this card, and all these
6 individuals are local and there's no reason why they can't come
7 to court to testify that this is actually their signature, and
8 moreover, why they signed it; what representations did this
9 witness, in fact, make to them in -- in terms of why they
10 signed it. So I don't think that the proper authentication or
11 foundation has been laid.

12 I also think there's a chain of custody based on the
13 witness' testimony that she took these cards and put them in
14 her car for some period of time before taking them to the
15 location Tri-Main Center.

16 So for those reasons, Judge, I -- we object to the
17 introduction of these cards into evidence.

18 MS. STANLEY: Your Honor, the cards go towards the Gissel
19 bargaining order that the General Counsel is requesting in the
20 complaint. Therefore, it is proper to have this witness
21 testify about them regardless of any district court proceeding.

22 And as to Ms. Polito's second point, there are several
23 ark -- alternative ways that Union cards can be authenticated:
24 one is a witness who observed the signing, even if -- you know,
25 even if -- even as far as someone who solicited the signature

1 and received it back and if he didn't witness it. So Ms. Reeve
2 testified that she witnessed each card being signed, the date
3 that happened, the person who signed it, what she said to them,
4 what they said to her, and I think they've been properly
5 authenticated.

6 MS. POLITO: Actually, Judge, she never testified as to
7 what they said to her, and we don't know if the witnesses just
8 signed these to -- so they could avoid having a further
9 conversation with this particular witness, so that testimony
10 was not elicited, and those individuals could, in fact, come to
11 court and testify as to why they signed these cards. There's
12 been no offering as to why these witnesses are unavailable to
13 do that.

14 MS. STANLEY: Your Honor, I would disagree with that
15 because we did say what the conversation was with each person
16 she talked to. She said that she -- that people had questions.
17 Someone didn't want to sign without -- without getting their
18 questions answered. She answered their questions. She had
19 conversations with them. I -- I think that everything that
20 needs to be done here has been done.

21 JUDGE ROSAS: Last comment.

22 MS. POLITO: Nothing further.

23 JUDGE ROSAS: Okay. The objection is overruled. The
24 testimony, if credited, will be sufficient to support a finding
25 that these items 80 -- General Counsel's 80 through 86 are what

1 she purports them to be, that is specifically documents that
2 were signed in her presence on the dates that are reflected in
3 these documents, and that are in the handwriting of the
4 individuals who signed these documents.

5 **(General Counsel Exhibit Numbers 81 through 86 Received into**
6 **Evidence)**

7 MS. POLITO: Note our objection for the record, Judge.

8 MS. STANLEY: Gianna, you can put those cards to the side
9 and upside down, if you can. Thank you.

10 THE WITNESS: Okay.

11 JUDGE ROSAS: Okay.

12 MS. STANLEY: We're going to provide them all to you
13 electronically.

14 MS. POLITO: Okay.

15 Q BY MS. STANLEY: Gianna, I'm going to direct your
16 attention to September of 2021. Did you ever attend any
17 meetings in that month?

18 A I did.

19 Q When was this first meeting you had -- you attended in
20 September 2021?

21 A The first meeting I attended was on September 10th, 2021.

22 Q And where was that meeting held?

23 A This meeting was held at a hotel off of Genesee Street
24 near the Buffalo airport.

25 Q Why did you go to this meeting on September 10th?



1 A I believed it was mandatory for me to do so.

2 Q Why did you believe that?

3 A Based on what my manager had said to me previously when I
4 asked about the attendance at the meeting.

5 Q Who was your manager at the time?

6 A David Fiscus.

7 Q And what did he tell you about the meeting that made you
8 think that?

9 A He told us that if we did not attend the meeting it would
10 be considered a no-call/no-show and that I could face
11 disciplinary action if I did not attend.

12 Q What time of day did the meeting on September 10th take
13 place?

14 A Early afternoon.

15 Q Were you scheduled to work at that time?

16 A No.

17 Q And were you paid to attend this meeting?

18 A Yes.

19 Q Approximately how many partners were there for the
20 meeting?

21 A I would say approximately six to seven.

22 Q And who else from Starbucks was there?

23 A There was Rossann Williams, Deanna Pusatier, and Allyson
24 Peck.

25 Q Had you ever met Rossann Williams before?



- 1 A No.
- 2 Q What about Deanna Pusatier?
- 3 A No.
- 4 Q What about Allyson Peck?
- 5 A No.
- 6 Q Gianna, did you record this meeting?
- 7 A I did.
- 8 Q How did you do that?
- 9 A I recorded it on my cell phone.
- 10 Q Gianna, why did you record it?
- 11 A I was worried. I knew that I was already kind of the
12 person that people were looking towards being pro-union and
13 being so vocally pro-union. In case anything happened, I
14 wanted to make sure that I had something tangible.
- 15 Q Did you record this whole meeting?
- 16 A I did.
- 17 Q When did you start and stop the recording?
- 18 A I started recording around when we sat down, and I stopped
19 recording when it was made clear that the meeting was done.
- 20 Q What did you do with the recording after you made it?
- 21 A I gave it to the NLRB.
- 22 Q And did you edit the recording in any way?
- 23 A I did not.
- 24 Q If I were to play the recording for you, could you
25 identify it?

1 A I could.

2 Q Have you ever seen a transcript for this recording?

3 A I have.

4 Q What did you do with that transcript?

5 A I edited it as such to make sure that everything was
6 accurate as possible and then I submitted it again to the NLRB.

7 MS. STANLEY: Your Honor, I'm going to need to play the
8 recording at this time. I did send it to Respondent, I
9 believe, on Thursday, but I think at the time that we were
10 going by last week --

11 MR. BALSAM: Thursday.

12 MS. STANLEY: -- Friday/Saturday. Yeah, so I'll just play
13 it, but we do have the edited transcript, so I want you to do
14 this last part. If there's any portion prior or at the end, I
15 will have -- I will have her identify who's speaking and we'll
16 get that part transcribed.

17 MS. POLITO: Judge, if I may. If -- if -- if you give me,
18 like, ten or -- ten minutes or so, I'm happy to look through
19 the transcript if we want to try to avoid playing the audio
20 recording, number 1. And then, number 2, I just want to make
21 sure that Your Honor has all the audio recordings.

22 JUDGE ROSAS: Has -- had the recordings.

23 MS. POLITO: That you've been provided the recordings from
24 the Board and the Union for you to look at at some -- for you
25 listen to at some point.

1 JUDGE ROSAS: I -- I do not have them yet. Have they been
2 filed in NexGen?

3 MS. STANLEY: Yes, not as -- not as exhibits because
4 they're not admitted yet, but through the course of the -- the
5 investigation, they're in there.

6 JUDGE ROSAS: Counsel, I don't generally listen to --
7 well, obviously, if they're played in court, I have to listen
8 to them, but if they're received, I don't listen to them until
9 I have to look at the whole ball of wax when the record closes.
10 Y'all have the opportunity to cross-examine at the times that
11 the evidence is being introduced. Transcripts are offered.
12 You have the option of -- of submitting your own transcript. I
13 have to listen and review all the evidence when the record
14 closes, so I -- I don't know what your concern is.

15 MS. POLITO: I'm just make -- I haven't seen the Board
16 actually hand you any audio transcripts like they've been
17 handing to us, so I just need to make sure, if they're not
18 going to be played as part of the record, which we've been
19 doing, because we -- as you know, it's our preference that they
20 are played as part of the record as the witness is on the stand
21 because of the credibility issues associated with the
22 recordings, but if you -- I just need to make sure that you're
23 actually getting copies at some point for you to listen to the
24 recordings.

25 JUDGE ROSAS: I get the -- I ultimately get the copies

1 through NexGen, you know, our electric -- electronic filing
2 room. They'll be on there, and that's where I would see them.

3 MS. POLITO: Okay.

4 JUDGE ROSAS: You know, sometimes -- if they're files, if
5 they're files. If -- sometimes when they're on floppies or
6 on --

7 MS. STANLEY: Flash drives.

8 JUDGE ROSAS: -- flash drives, they come in their own
9 little folder with the paper exhibits, but generally, I just
10 extract them out of NexGen at the appropriate time at the --

11 MS. STANLEY: And they'll be -- they'll be labeled as
12 whatever exhibits they are in NexGen.

13 JUDGE ROSAS: Correct. Now, do you -- you -- you said you
14 would like ten minutes, Counsel?

15 MS. POLITO: If -- if we don't want to play the audio
16 recording, I'm happy to try to review the transcript for us to
17 avoid that. Otherwise, we'll have to listen to the --

18 JUDGE ROSAS: Okay.

19 MS. POLITO: -- audio recording of all.

20 JUDGE ROSAS: Okay, fair enough. Off the record.
21 (Off the record at 9:29 a.m.)

22 JUDGE ROSAS: Respondent, what's your pleasure?

23 MS. POLITO: I -- I've reviewed the transcripts, and we
24 don't need to listen to it in court this morning, Judge. Thank
25 you.

1 JUDGE ROSAS: Okay, so it's been offered. Do you have
2 voir dire?

3 MS. POLITO: No, same as -- same standing objections to
4 the audio recording and the transcript that we've maintained,
5 Judge.

6 JUDGE ROSAS: Okay. Let me just also clarify. I don't
7 know if we had it on the record or off the record before
8 discussion -- I -- I think it was on the record -- regarding
9 the preference that they all be played out for credibility and
10 so on that the whole point of the five-day requirement was give
11 you an opportunity -- sufficient opportunity to listen to the
12 audios, compare them to the proposed transcripts by the General
13 Counsel, and to ask any questions, fast forward to those
14 segments that you feel you might need to probe, so I think we
15 had covered that initially, but I just want to make sure that,
16 you know, your -- you know, your -- your -- your conc -- any
17 concerns you have about them that you need to address in court
18 are -- are -- are fully -- are fully taken. All right. So
19 over objection, as has been previously ruled, General Counsel's
20 87(a) and 87(b) are received in evidence.

21 **(General Counsel Exhibit Numbers 87(a) and 87(b) Received into**
22 **Evidence)**

23 **RESUMED DIRECT EXAMINATION**

24 Q BY MS. STANLEY: Gianna, did you attend any other meetings
25 in September?



- 1 A I did.
- 2 Q On what date?
- 3 A September 12th.
- 4 Q Why did you attend that meeting?
- 5 A I believed it was mandatory.
- 6 Q And why did you believe that?
- 7 A Based on the previous knowledge I had gathered from my
8 store manager who told me once again I faced disciplinary
9 action if I did not attend.
- 10 Q Did you attend any other meeting in September?
- 11 A I did.
- 12 Q When was that?
- 13 A It was later in September.
- 14 Q How many partners were at that third meeting?
- 15 A It was almost all of Camp Road's partners.
- 16 Q And who from the corporate was there?
- 17 A Rossann Williams, Deanna Pusatier, Allyson Peck, and I
18 think he was introduced to me as someone from partner
19 resources, a man named Chris.
- 20 Q Why did you attend that meeting?
- 21 A I was being paid to. I was worried about what they're
22 going to say. I wanted to make sure that there are any
23 questions or potential misinformation said about what we're
24 doing with the Union that I could be there to at least say the
25 word edgewise.

1 Q Did you record that meeting?

2 A I did not.

3 Q Why not?

4 A During the meeting, there was an initial talk about this
5 being a conversation just between partners from the members of
6 corporate Starbucks that were there and the partners from Camp
7 Road, and I did not know New York State's one-party consent
8 laws at that time.

9 Q Was your store open during that meeting at the end of
10 September?

11 A It was.

12 Q How many partners from your store were at the meeting that
13 you attended?

14 A Nearly all of them from what I -- yeah.

15 Q Were any partners from your store operating the Camp Road
16 store, to your knowledge?

17 A Not to my knowledge, no.

18 Q Do you know who was operating the Camp Road store?

19 A We were told -- I was told in the group with everyone else
20 it was just partners from different locations across the
21 district.

22 Q And what time of day was the meeting you attended?

23 A Early afternoon.

24 Q And what happened at that meeting?

25 A This meeting was about Starbucks' benefits, specifically



1 the term "buffet of benefits" was used.

2 Q Used by who?

3 A Chris.

4 Q And what else happened?

5 A He, Chris, continued to discuss the different benefits
6 that you gain as a Starbucks partner and mentioned that if we
7 were to have union membership, we might end up with more, the
8 same, or less benefits. Yeah.

9 Q Gianna, who was your store manager in August of 2021?

10 A In August of 2021, it was initially David Fiscus, but --
11 yeah, it was David Fiscus, and then later on --

12 MS. POLITO: Objection. She an -- answered the question.

13 Q BY MS. STANLEY: Did there come a --

14 JUDGE ROSAS: Just --

15 Q BY MS. STANLEY: -- time when -- when David Fiscus stopped
16 being your store manager?

17 A Yes.

18 Q When was that?

19 A It was prior -- a couple days prior to September 10th,
20 2021.

21 Q Who's your current store manager?

22 A My current store manager -- I apologize, this is kind of
23 funny -- was Tanner Rees but he -- his last day was yesterday.

24 Q Oh. So how long was Tanner Rees your store manager?

25 A He was my store manager for approximately five to six



1 months.

2 Q From when to when?

3 A April 2021 to now.

4 Q Between David Fiscus and Tanner Rees, did you have any
5 other store manager?

6 A I did.

7 Q Who was that?

8 A Kelliegh Hanlon, Taylor Pringle, and later on, Dustin
9 Taylor.

10 Q Have you met Kelliegh Hanlon prior to her becoming the
11 store manager?

12 A No.

13 Q Do you know where she was from?

14 A Boston.

15 Q Had you met Taylor Pringle prior to him becoming store
16 manager?

17 A No.

18 Q Do you know where he was from?

19 A Seattle.

20 Q Had you met Dustin Taylor prior to him becoming the store
21 manager?

22 A No.

23 Q Do you know where he was from?

24 A The south, but I can't give you a specific state.

25 Q When was Kelliegh Hanlon first assigned to your store?



1 A She was first to -- assigned to our store a couple weeks
2 after we had -- Camp Road had announced the Union drive shortly
3 after David Fiscus had left the company.

4 Q And how long did Kelliegh Hanlon stay?

5 A Kelliegh Hanlon stayed until around January of 2022.

6 Q When was Taylor Pringle assigned to your store?

7 A At the -- around the same time as Kelliegh Hanlon, a
8 couple weeks after David Fiscus had left the company.

9 Q And how long did Taylor Pringle stay at your store?

10 A Until approximately January of 2022.

11 Q And what about Dustin?

12 A Dustin Taylor filled in after Kelliegh Hanlon and Taylor
13 Pringle had left around late January to early February of 2022.

14 Q Were any other managers assigned to your store during that
15 time?

16 A Not store managers.

17 Q What about other kinds of managers?

18 A Yes, we did have support managers at our store.

19 Q Who were they?

20 A I remember most of them by first name rather than last
21 name. We had Marsh (phonetic throughout). We had a support
22 manager named Elizabeth (phonetic). We had a support manager
23 named Vania (phonetic throughout). We had a support manager
24 named Joanna (phonetic), and another Taylor (phonetic
25 throughout) separate from Taylor Pringle.

1 Q Do you know where the other Taylor was from?

2 A Somewhere in the south. I believe Arizona.

3 Q Gianna, in September of 2021, what was your typical work
4 schedule?

5 A My typical work schedule usually involved afternoon
6 closing shifts. I'm usually do the afternoon closing shift.

7 Q About how many hours a week were you working then?

8 A Approximately 20 to 25.

9 Q What was the closing time of your store in September of
10 2021?

11 A My store's closing time in September of 2021 was 9 p.m.,
12 and the baristas would leave by 9:30 p.m.

13 Q In that time in September of 2021, how often did you
14 observe support managers in your store while you were working?

15 A Nearly constantly.

16 Q And are you aware of -- of how often those support
17 managers were in the store?

18 A Yes, based on what I could gather whenever I was in the
19 store when I wasn't working, I would see support managers --
20 I -- you know, there were support managers and based on just
21 conversations with coworkers, as well.

22 Q As a shift supervisor, do you have access to the daily
23 coverage report for your store?

24 A Yes.

25 Q What does that show?



1 A That shows the partners that are scheduled for the day at
2 the store location and what time they're getting in and getting
3 out for the day.

4 Q Did that show the schedules for Kelliegh Hanlon?

5 A It did.

6 Q What about Taylor Pringle?

7 A It did.

8 Q What about Dustin Taylor?

9 A It did.

10 Q Did you ever look at those schedules?

11 A I did.

12 Q And what did you observe about the hours for Kelliegh
13 Hanlon?

14 A I noticed that she usually came in early in the morning
15 and stayed until around 1 to 2 p.m.

16 Q And what did you observe for the schedule for Taylor
17 Pringle?

18 A Taylor Pringle's days would often be the days that
19 Kelliegh Hanlon did not work when his hours, if they were
20 working together, would overlap, so he would be covering a mid-
21 shift, so he'd be in around, say, 9 and leave around 5 or 6.

22 Q And what about Dustin? Did you ever -- did you observe
23 his schedule?

24 A Yes.

25 Q And what was that?



1 A His schedule was more weekday opens.

2 Q Has the -- has the presence -- you mentioned the support
3 managers. Has the presence of support managers in your stores
4 changed since September 2021 to your observation?

5 A Yes.

6 Q How so?

7 A As opposed to when if you consider in September 2021,
8 where I -- I said we had support managers on the floor nearly
9 constantly when I was working, and we looked at saying no in
10 the past couple months, I rarely see support managers on the
11 floor.

12 Q While David Fiscus was your store manager, how often did
13 you observe him in the store?

14 A I observed him in the store usually between 30 to 35 hours
15 a week.

16 Q And what did you observe him doing in the store?

17 A He would either be up front working in the morning on a
18 position, say, like drive-thru or espresso bar or he would be
19 in the back of house at Camp Road's office working on his
20 laptop on administrative tasks.

21 Q And what did you observe the support managers do while
22 working at your store?

23 A I would observe the support managers in the back of house
24 reorganizing inventory in the back office, reorganizing
25 anything that is back there. I would witness them having

1 meetings in the front lobby of our Starbucks location. I would
2 see them up front restocking, reordering, reorganizing
3 merchandise. I would see them on the floor, sometimes in
4 positions on the floor and other times just floating in
5 reference to not having a full position on the floor.

6 Q Is this store a drive-through?

7 A It is.

8 Q How does the drive-thru work?

9 A The drive-thru works -- we all -- I shouldn't say we
10 all -- there's usually not enough headsets. Most of us to make
11 the drive-thru function wear headsets and you press the little
12 buttons on them. There's a button to speak to the drive-thru
13 lane and a button in the middle to speak to everybody else on
14 the floor.

15 Q When David Fiscus was your manager, who would typically
16 wear a headset at any given time?

17 A Usually, whoever was on drive-thru order and drive-thru --
18 drive-thru order mostly -- if we didn't have enough, we
19 wouldn't give one to the drive-thru register -- espresso bar,
20 cold bar, and sometimes CS.

21 Q What is CS?

22 A Customer support.

23 Q Did David Fiscus wear one?

24 A He would wear one when he was on his positions.

25 Q What about when he wasn't working on the floor?



1 A He wouldn't be wearing a headset.

2 Q When the support managers were in your store, did they
3 wear headsets?

4 A Yes.

5 Q At what times?

6 A Whenever they had an opportunity to wear one -- I -- from
7 what I witnessed.

8 Q Did they wear them even when off the floor?

9 A Yes.

10 Q Did you ever interact with any support managers over
11 headsets?

12 A I have, yes.

13 Q Can you tell me about an interaction that you recall?

14 A One instance I recall, I was working a closing shift and I
15 was on the floor with a support manager named Vania, and we
16 were talking with one another because she had a kind of rough
17 interaction in the drive-thru. The customer wasn't very nice
18 to her, and so I said, over the headset, I was, like, oh,
19 Vania, and I said the way you handled that really well to which
20 she responded over the headset, yeah, I know.

21 Q Any other interactions with support managers over the
22 headsets?

23 A In general, if you're just going about day-to-day tasks,
24 and --

25 Q Sorry, I'm asking for a specific recollection if you have



1 one.

2 A Oh, yeah.

3 Q Prior to the Union campaign, to your knowledge, had your
4 store ever closed early?

5 A Only for COVID protocols.

6 Q Did that change at all after the Union campaign began in
7 August of 2021?

8 A Yes.

9 Q How did that change?

10 A We would have our store closed. I would have my store
11 closed for meetings, not all of them, but some, and there was
12 an instance where cleaners were sent in, outside contractors.
13 They destroyed our floors at Camp Road, so the store had to
14 shut down for two or three days in order for the floors to be
15 refinished.

16 Q Do you remember when that was?

17 A That was around September/October of 2021.

18 Q Are you familiar with the hiring process at your store
19 prior to the campaign?

20 A Yes.

21 Q How are you familiar with that process?

22 A I am familiar with that process because I witnessed my
23 store manager going through the hiring process with new people.

24 Q And what did you witness?

25 A I would witness our managers scheduling themselves to have



1 time to speak with new hires, go through our process at
2 Starbucks that we call onboarding, going through the first sip,
3 and the managers sometimes asking for advice from shift
4 supervisors about what they thought of the new hire.

5 Q Did you ever have any conversations with David Fiscus
6 about hiring?

7 A Yes.

8 Q And when was that?

9 A I would have conversations with David Fiscus about hiring
10 up until his leaving of Starbucks.

11 Q And what did he tell you in those conversations?

12 A He would ask the shift supervisor team -- usually in
13 meetings, he'd talk to us, and he'd ask, usually, or what did
14 we think. Sometimes he'd ask our advice about who to promote
15 as shift supervisor, but he did make it clear that ultimately
16 at the end of the day that that was his decision to make and
17 his decision alone.

18 Q Gianna, to your observation, did the number of partners
19 working in your store change after the campaign started?

20 A Yeah.

21 Q In what way?

22 A We would have more partners on the floor and new partners
23 on the floor. Where we would originally, like, hire a little
24 bit of a more staggered rate of new hires, we'd have multiple
25 on the floor at once.



1 Q As a shift supervisor, how familiar are you with the
2 staffing level at the store?

3 A Very familiar. I can't control the staffing, but I'm
4 directly impacted by the staffing in the store.

5 Q How?

6 A I -- if I have poor staffing on my shifts, I have a poor
7 day at work as does the rest of my team because we cannot keep
8 up.

9 Q Prior to the Union campaign, what was typical staffing for
10 one of your shifts?

11 A Typical staffing for one of my shifts, if you're coming in
12 during peak, I would estimate between six to seven partners.
13 If you're going later in the night, I would estimate between
14 four to five.

15 Q Could you observe any changes to staffing at your store
16 after the campaign?

17 A Yes.

18 Q What did you observe?

19 A I observed an incredulous increase in staffing in my
20 store.

21 Q What do you mean by that?

22 A I mean as opposed to having six to seven partners on the
23 floor at one time, it could be nearly double on a day that I
24 would come for peak. It would be hard to walk around each
25 other on the floor.



1 Q And what did that mean for you as shift supervisor, if
2 anything?

3 A It was hectic. When I had new hires on the floor at the
4 same time, it was also equally chaotic because despite training
5 and whatnot, you still do not have the same experience as a
6 seasoned barista going into a Starbucks location, so it made my
7 job plenty more difficult.

8 Q Gianna, are you always scheduled as a shift supervisor?

9 A No.

10 Q What other position do you get scheduled for?

11 A I can be scheduled as a barista, so I could just work as
12 coverage on the floor for wherever I need to go for another
13 shift supervisor.

14 Q And before the campaign, approximately how often were you
15 scheduled as a shift su -- supervisor versus as a barista?

16 A I would say approximately 80 percent shift supervisor
17 shifts to 20 percent barista shifts.

18 Q And what about after the campaign started?

19 A I would say closer to 50/50, and when I was being shift
20 supervisor, oftentimes my calls would be overruled. The floor
21 would be changed, so I didn't feel like I was really assuming
22 the role.

23 Q Who would overrule your calls on the floor?

24 A Certain support managers. I can remember Marsh changing
25 the floor multiple times on a given day for me.

1 Q Gianna, have you ever received a raise at Starbucks?

2 A I have.

3 Q Has -- do you know what the raise was based on?

4 A Annual.

5 Q Have you ever received any other kind of raise?

6 A No.

7 Q Have you ever heard of a seniority-based raise at
8 Starbucks?

9 A I have.

10 Q When did you hear about that?

11 A I heard about this I think it was September/October of
12 2021.

13 Q And how did you hear about it?

14 A I was on the floor in the back of house, and I had a
15 conversation with Taylor Pringle because he just printed out
16 the -- a notice of it, and he was talking to me while I was in
17 the back with our 17-year partner, Katie (phonetic), and he
18 said to me isn't this great, you know, we're finally getting a
19 seniority raise. It's about time that we did something like
20 this.

21 Q Gianna, I'm going to direct your attention to November of
22 2021. Did you attend any meetings in November?

23 A I did.

24 Q How many?

25 A One.



1 Q What -- when was the meeting that you attended?

2 A It was mid-November.

3 Q Where was the meeting held?

4 A The meeting was held at the Hyatt Hotel in downtown
5 Buffalo.

6 Q Tell me about the lead up to that meeting.

7 A I received the invitation, and I started driving down to
8 Buffalo, and when I was driving down, I noticed that there were
9 what I believed to be partners standing on the corners of
10 certain streets wearing fresh green aprons and directing
11 traffic for the event. When I rolled down my window to speak
12 to someone as I was getting closer to the parking area, I had a
13 conversation with her, and she said, hi, you know, welcome to
14 the meeting. Here's a parking ticket or a little tag that you
15 can take so that you have free parking in this room while you
16 go in. I said thank you and I went on my way up, and I went
17 into the meeting.

18 Q Was that the meeting with Howard Schultz?

19 A It was.

20 Q Did you speak at all during that meeting?

21 A I did.

22 Q Did you identify yourself by name during the meeting?

23 A I did.

24 Q And what, if anything, did you do after the meeting?

25 A I started to walk back to the parking garage and get in my

1 car. I noticed that there was a really severe backup. It took
2 me about 45 minutes to an hour to get out of the parking ramp.

3 Q Why is that?

4 A The parking passes for partners to have free parking at
5 this garage did not work, so I can only assume that so many
6 other people were scrambling like me to find money to pay for
7 the parking.

8 MS. POLITO: I'm just going object to the last portion as
9 being nonresponsive and assuming facts --

10 JUDGE ROSAS: Sustained --

11 MS. POLITO: -- not --

12 JUDGE ROSAS: -- as to what other people were doing.

13 Q BY MS. STANLEY: Were you aware of any other meeting held
14 in November 2021?

15 A Yes.

16 Q When was that?

17 A It was later on. It was the day before we were set --
18 Camp Road was set to receive our ballots.

19 Q How did you learn about that meeting?

20 A I was invited.

21 Q Who invited you?

22 A I was invited -- I don't know who particularly, but I was
23 given a little slip of paper and a date and time to show up.

24 Q And what time was on your paper?

25 A My time was somewhere between 7 and 8 p.m.

1 Q Did you attend the meeting at 7 p.m.?

2 A I did not.

3 Q Why not?

4 A I had homework, and I needed to get ready for school the
5 next day. I wanted to come by to the early meeting.

6 Q And what did you do?

7 A I reached out and asked around to see if other people were
8 attending different times for the meetings, and everyone said
9 it was fine, so I came to the 5 p.m. meeting.

10 Q Where was the meeting held?

11 A This meeting was held at the Camp Road Starbucks location.

12 Q Was the store open during the meeting?

13 A It was not.

14 Q At this time in November of 2021, what was the normal
15 closing time for the store?

16 A November of 2021, normal closing time would still be 9
17 p.m.

18 Q Did you attend the 5 p.m. meeting?

19 A I attempted to.

20 Q What happened?

21 A I was blocked at the door and was told that I was not
22 allowed to attend the meeting.

23 Q Who told you that?

24 A The support manager Taylor, not Taylor Pringle.

25 Q Did you respond to Taylor?



1 A Yes, I asked why. I was a bit frustrated because I had
2 already taken time out of my day to show up, and I was told
3 previously that I could attend this meeting fine.

4 Q Who told you previously that you could go to 5:00?

5 A Ashlyn Tehoke.

6 Q Who's that?

7 A The store's assistant store manager at that time.

8 Q Did Taylor say anything back to you when you said that?

9 A She just said sorry, I can't let you in. You can always
10 come by at the 7 p.m. time. When I told her that I was
11 unavailable, she just kind of was dismissive.

12 Q Well, do you remember what she said?

13 A No.

14 Q What did you do after Taylor told you couldn't attend the
15 meeting?

16 A I waited outside the patio at the patio at Camp Road
17 Starbucks. My thought process behind that was just, hey, I'm
18 already here. I can see what I can and be done with it.

19 Q What do you mean by you can see what you can?

20 A The Camp Road store location is fully glass on the front,
21 so the meeting was being held in the lobby, so I could kind of
22 make out the PowerPoint from the patio outside.

23 Q Would you take a look at the last exhibit in front of you,
24 General Counsel 88? Do you recognize this document?

25 A Yes.

1 Q What is this?

2 A This is a photo of me sitting outside on the patio outside
3 of my Starbucks location.

4 Q Who took this photo?

5 A I did.

6 Q When did you take it?

7 A I took it on the date of the meeting.

8 Q And how did you take the photo?

9 A I took the photo on my cell phone.

10 Q Did you alter this photo in any way?

11 A I did not.

12 Q This is a true and accurate copy of the photo you took?

13 A It is.

14 Q Is it cropped in any way?

15 A No.

16 Q Can you identify the two people in the green aprons in the
17 photo?

18 A I can identify them as being Taylor from -- not Taylor
19 Pringle -- and another store manager I did not recognize that
20 day and still do not know.

21 Q And what else is depicted in this photo?

22 A You can see in the photo through the glass of the Camp
23 Road building the meeting being held inside.

24 MS. STANLEY: Your Honor, I offer General Counsel Exhibit
25 88.



1 MS. POLITO: No objection.

2 JUDGE ROSAS: General Counsel's 88 is received.

3 **(General Counsel Exhibit Number 88 Received into Evidence)**

4 Q BY MS. STANLEY: Gianna, prior to the Union campaign, had
5 you ever been disciplined in your time working at Starbucks?

6 A I had a documented conversation about making sure to write
7 the deposits properly in our little deposit book, but
8 otherwise, no.

9 Q After the campaign, have you received any discipline?

10 A I have.

11 Q When were you disciplined?

12 A I was disciplined in late November to early October of
13 2021.

14 Q Sorry could you say that -- when were you disciplined?

15 A Between late November, early October of 2021.

16 Q Sorry, late November, early October?

17 A Oh, thank you. I was wondering what the -- excuse me.
18 Late -- late October to early November. I apologize.

19 Q Who issued you the discipline?

20 A I was issued this discipline by Taylor Pringle.

21 Q And what level of discipline did you receive?

22 A I was given a verbal warning, and I had to sign our dress
23 code policy, and I was offered to sign our association policy.

24 Q Where were you when Taylor issued you this discipline?

25 A I was in the back of the house at Camp Road towards, like,



1 the little spot between back of house and front of house.

2 Q And what happened in that conversation?

3 A We had a conversation about me wearing a Black Trans Lives
4 Matters shirt. He told me, hey, the shirt's cool and
5 everything, but you can't wear it on the floor again.

6 Q Had you ever worn that shirt before?

7 A I have.

8 Q And were you disciplined at that time?

9 A No.

10 Q Were you wearing it that day?

11 A I was.

12 Q Okay. What happened next?

13 A I -- I protested. I brought up the fact that Starbucks
14 had just gone through a big media thing a couple years ago
15 about allowing partners to wear Black Lives Matter gear to
16 which Taylor Pringle told me, yeah, but only Starbucks-approved
17 Black Lives Matter gear, so you can't wear the shirt.

18 Q And what happened next?

19 A He had me sign a dress code policy and just told me never
20 wear the shirt again to work.

21 Q Did anything else happen in that same interaction?

22 A Yes.

23 Q What else happened?

24 A Taylor Pringle also brought -- in this conversation he had
25 a paper of the dress code policy and a paper with Starbucks'

1 solicitation policy and told me that I should look it over
2 because he had saw me give something to a customer in one of --
3 the front lobby.

4 Q Do you know what he was talking about?

5 A Yes.

6 Q What was he talking about?

7 A Earlier in the day, I had a customer come in and they
8 wanted to make their coffee cup "union strong" as a name, so I
9 struck up a conversation with them, and they were interested in
10 learning more about the Union drive and asked me if I had
11 anything on it as far as, like, written material. I said I
12 did, but I'm working right now, so I can't really grab it.

13 I waited until I didn't have anybody on the front
14 registers. I went to my locker and got one of our union
15 magazines. And I gave the customer that later on as he was
16 leaving the store.

17 Q Did the conversation you had with Taylor Pringle ever come
18 up again with anyone else from Starbucks?

19 A Yes.

20 Q When was that?

21 A It was in January of 2022. I received a call from partner
22 resources.

23 Q Who from partner resources called you?

24 A A woman named Holly.

25 Q Had you ever spoken to Holly before?



1 A No.

2 Q Had you ever spoken to anyone from my partner resources
3 before?

4 A No.

5 Q Where were you when you had -- when you got this call?

6 A I was at home.

7 Q And what -- what did Holly say?

8 A Holly introduced herself and said, hi, I'm with partner
9 resources. I'm just conducting an investigation at your store.
10 I was just hoping you had time to, like, answer a couple of
11 questions for me. And I said yes. And then she asked me if I
12 had ever said hate speech or slurs on the floor before.

13 Q And what did you say?

14 A I said, no, absolutely not.

15 Q And what happened next?

16 A She told me that she had a text message from a group chat
17 of me saying a slur. And when I asked her what group chat, she
18 didn't tell me.

19 Q Did she say what -- what specifics she had of the --

20 A Yes. Excuse my language. She said that she had a message
21 of me saying, Taylor Pringle was a white fucking twink.

22 Q And did you respond when she said that?

23 A Yes, I did.

24 Q What did you say?

25 A I said, what group chat did you receive this from?



1 Q Why did you ask that?

2 A Because I recall saying this in the Starbucks organizing a
3 neighbor chat on GroupMe.

4 Q Is Taylor Pringle in that group chat?

5 A No.

6 Q Any other supervisor or manager in that group chat?

7 A No supervisors or managers in that group chat, no.

8 Q What did Holly say next?

9 A Holly did not respond. She said it didn't matter, as far
10 as my question to the -- where did the message come from. She
11 asked me what my definition of twink was.

12 Q And what did you say?

13 A I said that my definition was a -- it's a slang term,
14 referring to a white, usually gay, young man, but usually baby
15 faced and youthful in appearance. And I never have once used
16 it as a slur in my life. I'm queer. We've only used them as
17 just a term as almost an adjective, really.

18 Q Did you say anything else?

19 A That was about it. She --

20 Q What did Holly say?

21 A She said that she had all she needed for now, and she
22 would contact me within a week to let me know how the
23 investigation was going.

24 Q Did Holly ever contact you?

25 A No.

1 Q Did anyone else from partner resources ever contact you?

2 A No.

3 Q Do you know what the result of the investigation was?

4 A No.

5 Q Were you ever disciplined?

6 A No.

7 Q Gianna, did there come a time when the Union filed a
8 petition for an election at Camp Road?

9 A Yes.

10 Q When was that?

11 A It was in late August, early September 2021.

12 Q How do you know that the petition was filed?

13 A I was at the press conference for the announcement of the
14 filing.

15 Q Was an election held?

16 A Yes.

17 Q When was that?

18 A That was in December of 2021.

19 Q And what was the result of the election?

20 A It was a loss for the Union.

21 Q How do you know that?

22 A I was watching the live stream of the ballots being
23 counted at the training center.

24 Q Gianna, in your opinion, how did Starbucks respond to the
25 organizing campaign? And the effort that your store had



1 organized?

2 A Starbucks' response to the campaign or, like, any campaign
3 at my store was stifling. It completely hindered any open and
4 honest conversations on the floor store about the Union drive.

5 Q What did you experience?

6 A I experienced my partners looking at me differently,
7 like -- as -- it felt like they weren't trusting me and I
8 didn't know why or what I had done to cause such. It was an
9 exhausting environment to work in. Personally, I felt
10 miserable coming into work every day. I did not feel welcome
11 in my store anymore. And I can -- I can't -- I couldn't have
12 conversations with people on organizing. They were just simply
13 exhausted.

14 Q How do you know partners were exhausted?

15 MS. POLITO: Objection. Hearsay.

16 JUDGE ROSAS: Rephrase.

17 THE WITNESS: I'm sorry.

18 JUDGE ROSAS: She's rephrasing the question.

19 THE WITNESS: Oh.

20 Q BY MS. STANLEY: What did you observe partners doing that
21 made you come to the opinion they were exhausted?

22 A Partners would see support managers coming on the floor
23 and usually just sigh or be quieter than usual. I would
24 witness partners that were usually bubbly and bright and
25 excited and just happy to talk with one another, become



1 increasingly more quiet, more irritable. Just one time --

2 MS. POLITO: I'm going to object to the answer, Judge.
3 There's no indication as to why these individual partners were
4 acting in any particular fashion, whether it was they were pro-
5 union or anti-union, quite frankly. And ask that the answer be
6 stricken from the record.

7 JUDGE ROSAS: I'm going to overrule the objection to the
8 extent that the witness has testified with respect to her
9 observations. You can probe on cross.

10 Q BY MS. STANLEY: Did you continue to have conversations
11 with partners?

12 A Is that -- I'm sorry. May I ask a question?

13 Q No. Prior to the campaign, how often would you have
14 conversations with your partners?

15 A Conversations with my partners, just casual conversations.
16 It'd be constantly be back and forth talking to each other on
17 the floor.

18 Q And was that related to work conversations?

19 A No.

20 Q What about after the campaign?

21 A I would have less generalizations with people on the
22 floor. It would just be a quieter day or I'd try to talk to
23 people and it would be much shorter.

24 Q Did you try to have conversations about the Union?

25 A Sometimes I would still try.



1 Q What would happen?

2 A I would be met with dismissal or phrases like, I don't
3 want to talk about that right now, or I just want this to be
4 done and over with.

5 MS. STANLEY: Could I have just a minute, Your Honor?

6 JUDGE ROSAS: Off the record.

7 (Off the record at 10:15 a.m.)

8 MS. STANLEY: I have nothing further for this witness at
9 this time, Your Honor.

10 JUDGE ROSAS: Charging Party?

11 **CROSS-EXAMINATION**

12 Q BY MR. BALSAM: Gianna, I have just a couple questions.
13 The first thing is just to clarify something for the record in
14 what year was Tanner Rees working as the store manager.

15 A 2022.

16 Q Okay. This year, right?

17 A Um-hum.

18 Q Okay. Now, just to go back to the last subject you were
19 testifying on, starting from August of 2021 and going forward,
20 was there any time when it was easier to talk about the Union
21 with your coworkers?

22 A Yes.

23 Q When was that?

24 A It was in the week-and-a-half, two-week span prior to a
25 lot of the support managers coming in to our Starbucks

1 locations?

2 Q Okay. Do you remember an example of any conversations you
3 had in that period?

4 A I can remember conversations where it wasn't even
5 necessarily about union organizing or -- I'm sorry. In
6 reference to the two-week period?

7 Q Yes, that's right.

8 A The two-week period, I would have conversations openly
9 with partners with -- I would -- I had a cards signed during
10 this period and I would be able to answer any questions that
11 partners had. I remember -- I believe it was. Donnie --
12 Donovan asking about union dues. I just answered a couple of
13 questions on that, what those might look like, just any
14 conversation with the word union in it, I felt comfortable
15 having.

16 Q So then when did the change that you described a few
17 minutes later happen?

18 A It happened a couple of weeks after these conversations
19 that I'm describing, where we had support managers coming in.
20 When it was Kelliegh Hanlon and Taylor Pringle being introduced
21 and then Taylor and Elizabeth and so on, where we started to
22 help support managers on the floor at Camp Road, at least when
23 I was working, nearly constantly.

24 Q Okay.

25 MR. BALSAM: Nothing further.



1 JUDGE ROSAS: All right. Off the record.

2 (Off the record at 10:19 a.m.)

3 JUDGE ROSAS: On the record. Respondent?

4 **CROSS-EXAMINATION**

5 Q BY MS. POLITO: Good morning, Ms. Reeve.

6 A Good morning.

7 Q In the fall of 2021, you attended a number of meetings
8 that you testified to earlier; is that correct?

9 A Yes.

10 Q And you only recorded the one meeting on September 10th;
11 is that correct?

12 A No.

13 Q How many meetings did you record?

14 A I recorded two.

15 Q What was the other meeting that you recorded?

16 A The other meeting I recorded was on September 12th.

17 Q And that was a meeting with Rossann Williams?

18 A Yes.

19 Q And at that meeting, you asked Mr. Williams whether or not
20 you should expect retaliation for your support of the Union; is
21 that correct?

22 A Yes.

23 Q And she assured you that Starbucks would not retaliate
24 against you; didn't she?

25 A Yes.



1 Q Did you provide that second recording to the Board?

2 A I did.

3 Q And to your counsel?

4 A I did.

5 Q After August of 2021, starting in September and moving
6 forward, did you wear a pin on your uniform daily?

7 A Often.

8 Q Not every day?

9 A Not every day.

10 Q Did some of the others that you worked with in your Camp
11 Road store wear pins?

12 A Yes.

13 Q And to your knowledge, no one was disciplined for wearing
14 a pin, correct?

15 A Correct.

16 Q Going back to the meetings you attended, you were
17 compensated for attending those meetings, right?

18 A Yes.

19 Q And at the meeting on September 10th, your -- the purpose
20 for you attending that meeting was to try to get a Starbucks
21 official to sign the fair election principles; is that correct?

22 A No.

23 Q You don't remember asking them why they had not signed the
24 fair election principle?

25 A I do recall, but it was not my intention for attending the



1 meeting.

2 Q But you asked them more than once at that meeting why they
3 haven't signed the fair election principles, correct?

4 A Correct.

5 Q And you're aware that they are not required to sign that
6 under law?

7 A I'm -- correct. Yes. I'm aware.

8 Q You testified earlier that you thought some of the
9 meetings that you were asked to attend were mandatory; do you
10 recall that testimony?

11 A Yes.

12 Q And you also testified that you decided to go to a meeting
13 at 5:00 instead of 7:00 p.m.; is that correct?

14 A Yes.

15 Q And when you decided not to go to the 7:00 p.m. meeting,
16 you weren't disciplined for that; were you?

17 A I was not.

18 Q And in fact, you're not aware of anyone being disciplined
19 for not attending one of those meetings; is that correct?

20 A Not to my knowledge, no.

21 Q With respect to the dress code policy, visiting store
22 manager Taylor Pringle made you aware of the dress code policy;
23 is that correct?

24 A Yes.

25 Q And he asked you to sign the dress code policy; is that



1 correct?

2 A Yes.

3 Q And he -- that's when he told you that the Black Lives
4 Matter t-shirt that you had worn, you should not wear again?

5 A Yes.

6 Q And isn't it true that you would only worn that t-shirt on
7 one occasion in the past?

8 A No.

9 Q Do you remember giving a sworn affidavit to the board?

10 A Yes.

11 Q Dated April 4th, 2022?

12 A Yes.

13 Q And you signed that affidavit?

14 A I did.

15 Q Do you remember telling the Board that this was the second
16 time I had worn this shirt to work?

17 A Yes.

18 Q So that was only the second time you had worn that shirt
19 to work; is that correct?

20 A On the floor, yes.

21 Q And you were told verbally that it was against dress code
22 policy and you were provided with a copy of the policy for
23 which you signed, correct?

24 A Yes.

25 Q With respect to the investigation that you talked about



1 earlier, you indicated that Holly from Starbucks called you
2 with respect to a GroupMe chat --

3 A Yes.

4 Q -- is that correct?

5 A Yes.

6 Q You don't know how she got a copy of the GroupMe chat,
7 correct?

8 A Yes. Correct.

9 Q And your understanding is that it's fellow baristas or
10 hourly employees that were involved in that GroupMe chat?

11 A Correct.

12 Q So is it fair to assume that one of those individuals
13 might have provided that chat to Starbucks?

14 MS. STANLEY: Objection. Calls for speculation.

15 JUDGE ROSAS: Sustained.

16 Q BY MS. POLITO: You're not aware of any manager being
17 involved in those chats or included in those chats, correct?

18 A Correct.

19 Q And you testified earlier that you did, in fact, say white
20 f-ing twink in that chat; is that correct?

21 A Correct.

22 Q And no disciplinary action was taken against her as a
23 result of that?

24 A No.

25 Q And when you spoke with Holly in Ethics, you admitted to



1 using the slur and explained why you used it; is that correct?

2 A Yes.

3 Q You also told us earlier that Taylor Pringle made you
4 aware of the anti-solicitation policy at Starbucks; is that
5 correct?

6 A Yes.

7 Q Do you remember when you first started working for
8 Starbucks, signing a partner guide?

9 A I do.

10 Q Did you read it?

11 A I did.

12 Q And do you remember seeing the dress code policy in that
13 guide?

14 A Yes.

15 Q What about the anti-solicitation policy?

16 A I did.

17 Q And again, you didn't get any written disciplinary action
18 as a result of the conversation relating to this solicitation
19 policy?

20 A I was only offered a paper reiterating the anti-
21 solicitation policy and told not to do -- give materials to
22 customers again.

23 Q And that was by Taylor Pringle?

24 A Yes.

25 Q And he didn't discipline you for that action, correct?



1 A I would have considered that discipline as a verbal
2 warning, but other than that, no.

3 Q Okay. So your understanding when he spoke to you and
4 provided you with a copy of the anti-solicitation policies,
5 that that was a form of disciplinary action?

6 A Yes.

7 Q But you agree that you did, in fact, give a customer
8 anti- -- or union literature; is that correct?

9 A Yes.

10 Q Ms. Reeve, I understand you're a student; is that correct?

11 A Yes.

12 Q And so in the summer of 2021, would you work more hours
13 than in the fall of 2021?

14 A Yes.

15 Q And generally, your availability in the summer was how
16 many days?

17 A Oh, my availability during the summer is usually open.

18 Q And then what about in the fall when you return to school?

19 A The days that I go to school, which are Tuesdays and
20 Thursdays, I would request that off my availability.

21 Q And was -- was that request granted?

22 A Yes.

23 Q Even after they were aware that you were a union
24 supporter?

25 A This -- my -- I'm sorry. For clarification, I start

1 school in, usually August 31st. So yes.

2 Q And August 31st through the fall through --

3 A Yeah.

4 Q -- maybe early December; does that sound about right?

5 A Um-hum.

6 Q And so in the fall of 2021, you indicated that you were
7 assigned to work more as a barista than a shift supervisor; do
8 you recall that testimony?

9 A I recall saying I worked more often as a barista rather
10 than a shift supervisor.

11 Q In the fall of 2021, correct?

12 A Yes.

13 Q And is it possible that that's because you were had
14 reduced availability and were in school during that time
15 period?

16 A I don't see why that would be, considering I was still
17 working full shifts that would fall in line with the way that
18 Starbucks sets up their mornings, mids, and closes.

19 Q But it's possible?

20 A It could be.

21 Q Prior to August of 2021, was there a staffing issue at the
22 Camp Road store?

23 A On and off. Yes.

24 Q Due to COVID or other reasons?

25 A I would count COVID as a reason. And another reason was



1 just high turnover. We were a new location.

2 Q To address the staffing issue, Starbucks sent in more
3 employees to the Camp Road store; is that correct?

4 A Yes.

5 Q And then your testimony is that the -- they were either
6 understaffed prior to August of 2021 or overstaffed after they
7 sent in more people; is that correct?

8 A I apologize. I don't understand the question.

9 Q You just told me that prior to August of 2021, there were
10 staffing issues, correct?

11 A Yes.

12 Q And then in the fall of 2021, you testified earlier that
13 there were too many people at the store; is that correct?

14 A Yes.

15 Q So is it your testimony that they were either overstaffed
16 or understaffed?

17 A Back and forth, yes.

18 Q Trying to get it right, correct?

19 MS. STANLEY: Objection.

20 JUDGE ROSAS: Sustained.

21 MS. POLITO: Judge, I'm just going to make a note that Ms.
22 Reeve indicated that she provided two recordings to the Board,
23 and we only have a copy of one of those recordings.

24 MS. STANLEY: That's because we don't intend to put it
25 into evidence, Your Honor.



1 MS. POLITO: I'm going to make a request that that
2 recording be provided to us, Your Honor.

3 JUDGE ROSAS: Has that been subpoenaed?

4 MS. POLITO: We have issued a subpoena to which no one has
5 responded. We have zero documents in response.

6 JUDGE ROSAS: My -- my ruling, I believe, has consistently
7 required witnesses to turn over recordings of these meetings.

8 MR. HAYES: Your Honor, there wasn't a subpoena issued on
9 Ms. Reeve.

10 JUDGE ROSAS: Well, you'll have to issue one to her and
11 then it gets produced.

12 MS. POLITO: Okay. Thank you, Your Honor. I have no
13 other questions for this witness.

14 JUDGE ROSAS: Okay. Redirect?

15 MS. STANLEY: Just very briefly, Your Honor.

16 **REDIRECT EXAMINATION**

17 Q BY MS. STANLEY: Gianna, what pins did you wear at
18 Starbucks, what union pins?

19 A I would wear either the rainbow version of the Starbucks
20 Workers United Union pin or the big version.

21 Q Did you feel like you would be disciplined going to the 5
22 p.m. meeting as opposed to the 7 p.m. meeting in November?

23 A I did not believe I was going to be disciplined.

24 Q Why not?

25 A Because I was told explicitly that I would be able to

1 attend the 5 p.m. meeting.

2 Q Who told you that?

3 A Ashlyn Tehoke.

4 Q And who was she?

5 A The assistant store manager at the time.

6 Q When you were talking to Holly in January of 2022, did you
7 agree that the term you used was a slur?

8 A No.

9 Q Did you say anything to her about if it had been a slur?

10 A I said historically it might have been used by some
11 parties as a slur from hate speech, but as it stands today, it
12 is generally used as a slang term or adjective.

13 Q And did you say what you would have done if you believed
14 it to be a slur?

15 A Yes.

16 MS. POLITO: Objection. Go ahead.

17 JUDGE ROSAS: What's that?

18 MS. POLITO: No. Never mind.

19 JUDGE ROSAS: Oh, okey.

20 MS. POLITO: Withdrawn.

21 JUDGE ROSAS: Repeat.

22 A I --

23 Q BY MS. STANLEY: Did you tell her what you -- whether or
24 not you had believed it to be a slur?

25 A I had told her that I would never had said the word and I

1 would apologize profusely, yes. I later learned that the word
2 was a slur.

3 Q Prior to the Union campaign in your time working at
4 Starbucks, had you been alternately in school and out of
5 school?

6 A Yeah.

7 Q And during those times, do you notice any change in how
8 often you were scheduled as a barista versus shift supervisor?

9 A No.

10 MS. STANLEY: I have nothing further.

11 JUDGE ROSAS: Charging Party?

12 MR. BALSAM: No questions.

13 JUDGE ROSAS: Nothing. All right. Any follow-up from --

14 MS. POLITO: No, Your Honor.

15 JUDGE ROSAS: Okay. Thank you. Your testimony is
16 concluded. You may not discuss your testimony with anyone
17 until you're advised further by counsel, okay?

18 THE WITNESS: Thank you, Your Honor.

19 JUDGE ROSAS: Have a good day.

20 THE WITNESS: Thank you.

21 JUDGE ROSAS: All right. Off the record.

22 (Off the record at 11:09 a.m.)

23 JUDGE ROSAS: Hold on. Next witness.

24 MS. STANLEY: The General Counsel calls William Westlake.

25 JUDGE ROSAS: Raise your right hand.



1 Whereupon,

2 **WILLIAM WESTLAKE**

3 having been duly sworn, was called as a witness herein and was
4 examined and testified as follows:

5 JUDGE ROSAS: All right. State and spell your name,
6 provide us with an address.

7 THE WITNESS: Yes. It's William Westlake, that's
8 W-I-L-L-I-A-M W-E-S-T-L-A-K-E. And what was the last thing?

9 JUDGE ROSAS: And address.

10 THE WITNESS: My address is (b) (6), (b) (7)(C)

11 [REDACTED].

12 **DIRECT EXAMINATION**

13 Q BY MS. STANLEY: Good morning, Will.

14 A Good morning.

15 Q What are your pronouns?

16 A He/him.

17 Q And who's your current employer?

18 A Starbucks.

19 Q How long have you worked for Starbucks?

20 A Since May of 2021.

21 Q What location do you work at?

22 A I work at the Camp Road store located in Hamburg, New
23 York.

24 Q Have you worked at any other locations?

25 A No.



1 Q What's your current job position?

2 A My current job position is barista trainer. But if I
3 could rephrase?

4 Q Oh, you have to put your lapel mic on you. It's right in
5 front of -- yeah. Okay. Will, are you familiar with Workers
6 United?

7 A I am.

8 Q And are you familiar with the Starbucks Workers United
9 Organizing Committee?

10 A I am.

11 Q How are you familiar with the organizing committee?

12 A I'm a member.

13 Q When did you join the committee?

14 A In August of 2021.

15 Q Are you familiar with the letter the Union sent to Kevin
16 Johnson on August 23rd, 2021?

17 A I am.

18 Q How are you familiar with the letter?

19 A I am a signatory.

20 Q Did anyone else from your store sign that letter?

21 A Yes.

22 Q Who was that?

23 A Both Gianna Reeve and Kathryn Bergmann.

24 Q What did you do as a member of the organizing committee?

25 A Talked to different partners across Buffalo and later on



1 across the country. Talked about just strategy with -- with
2 social media.

3 Q Did you ever express support for a union in any way while
4 at work?

5 A I did.

6 Q How did you do that?

7 A Both by wearing pins, supporting the Union on the floor,
8 and also by bringing out my support in meetings with
9 management.

10 Q Well, I'd like you to look at the stack of exhibits next
11 to you.

12 A Yes.

13 Q That first -- the kind of first little stack of cards.

14 A I see.

15 Q And look at the top document; do you recognize that?

16 A Yes.

17 Q What is that?

18 A This is my authorization card.

19 Q Did you sign that card?

20 A I did.

21 Q And is that your signature at the bottom?

22 A It is.

23 Q When did you sign the card?

24 A On August 22nd of 2021.

25 Q And is that the date that's on that?



- 1 A Yes.
- 2 Q Where were you when you signed this card?
- 3 A I was at the training building.
- 4 Q And what did you do with the card after you signed it?
- 5 A I put it in an manila envelope that was labeled Camp Road.
- 6 Q Why did you sign the card?
- 7 A I signed it both, you know, to signal that I supported the
8 Union and supported forming the organizing committee, and also
9 understanding that it could be used to file for election at my
10 store.
- 11 Q What did you do with the card after you signed it?
- 12 A So I put in a -- in a manila envelope in the training
13 building.
- 14 Q Do you know -- was anyone else from Camp Road present at
15 the Union office when you signed your card?
- 16 A Yes.
- 17 Q Who was there?
- 18 A Both Kathryn Bergmann and Haley Gortzig -- at the time
19 Sansouci.
- 20 Q Did Kathryn Bergmann also sign a card?
- 21 A Yes.
- 22 Q Did you see her sign the card?
- 23 A I did.
- 24 Q Can you look at the next exhibit in front of you, GC-90?
- 25 A Yes.

- 1 Q What is that?
- 2 A This is Kathryn Bergmann's authorization card.
- 3 Q What did Catherine do with the card after she signed it?
- 4 A She gave it to me.
- 5 Q And what did you do with it?
- 6 A I put it in the manila envelope in the office.
- 7 Q Did Haley Gortzig sign the card that day?
- 8 A No, she did not.
- 9 Q Take a look at the next exhibit, which is marked GC-91.
- 10 A Yes.
- 11 Q What is that? Do you recognize that document?
- 12 A Yes. It is Joshua Pike's authorization card.
- 13 Q How do you know Joshua?
- 14 A He is a shift supervisor at Camp Road.
- 15 Q Were you present when he signed his card?
- 16 A I was.
- 17 Q Did you watch him sign it?
- 18 A I did.
- 19 Q Where were you when that happened?
- 20 A We were at our store.
- 21 Q And was anyone else present?
- 22 A No.
- 23 Q What, if anything -- or how did it come about that Josh
24 signed his card?
- 25 A We had already talked about the Union campaign at that

1 point and Josh was always a supporter. I basically asked him
2 to read the card and said that this was, you know, signing to
3 say that you support having a union at the store and that it
4 could also be used to file for an election, if we got enough
5 cards signed.

6 Q Did Josh read the card?

7 A He did.

8 Q What did he do with the card after signing it?

9 A He gave it to me.

10 Q And what did you do with it after he gave it to you?

11 A I brought it back to the training building.

12 Q Is this document you're looking at a true and accurate
13 copy of Josh's card?

14 A Yes.

15 Q Let's turn to the next card, which is marked GC Exhibit
16 92.

17 A Um-hum.

18 Q Do you recognize this?

19 A Yes. This is Molly's authorization card.

20 Q How do you know Molly?

21 A Molly is a barista at my store.

22 Q Were you present when Molly signed this card?

23 A I was.

24 Q Did you watch her sign it?

25 A I did.



- 1 Q Where were you when that happened?
- 2 A We were in the front-of-house. She was behind the
3 counter. I was in front of the counter.
- 4 Q Was anyone else present?
- 5 A The other people on the floor, but I don't know who.
- 6 Q How did it come about that Molly signed this card?
- 7 A Again, we had already talked about the Union campaign at
8 this point. And so I had said that, you know, it was actually
9 happening, that, you know, the cards were for people who
10 supported the Union and that if we got a majority ,that we
11 would use the cards to file for an election at our store.
- 12 Q Did Molly say anything to you?
- 13 A Yes. She said. I don't remember what she said.
- 14 Q Okay. Did Molly read the card?
- 15 A She did.
- 16 Q What did she do with the card after signing it?
- 17 A She handed it to me.
- 18 Q And what did you do after she handed it to you?
- 19 A She -- well -- so after she handed it to me, I put it back
20 in the Tri-Main folder.
- 21 Q And is this a true and accurate copy of Molly's card?
- 22 A It is.
- 23 Q Let's look to the next card. It is marked GC-93. Do you
24 recognize this?
- 25 A Yes.

- 1 Q What is this?
- 2 A This is the authorization card of Danielle DeTomaso.
- 3 Q How do you know Danielle?
- 4 A She was a barista trainer at my store.
- 5 Q Were you present when Danielle signed this card?
- 6 A I was.
- 7 Q Did you watch her sign it?
- 8 A I did.
- 9 Q Where were you when that happened?
- 10 A I was in the back of house on my break.
- 11 Q Was anyone else present?
- 12 A Yes.
- 13 Q Who?
- 14 A Also Zach Weller.
- 15 Q How did it come about that Danielle signed this card?
- 16 A Danielle and Zach had both come into the back of house.
- 17 It had been a very difficult shift. And they -- I had already
- 18 talked to them about the union campaign. They came back
- 19 basically saying that they were ready -- that they had had
- 20 enough.
- 21 Q What did you tell them, if anything, about what the card
- 22 was for?
- 23 A I said that it was -- that you would only sign it if you,
- 24 you know, supported having a union at the store, and that if we
- 25 got a majority of cards, we would file for an election.

- 1 Q Did Danielle make her card?
- 2 A She did.
- 3 Q What did she do with her card after signing it?
- 4 A She gave it to me.
- 5 Q And what did you do after she gave it to you?
- 6 A I put it in the Tri-Main folder.
- 7 Q And is this a true and accurate copy of Danielle's card?
- 8 A It is.
- 9 Q Move to the next card, which is marked GC Exhibit 94. Do
10 you recognize this card?
- 11 A Yes. It's the authorization of Zach.
- 12 Q And how do you know Zach?
- 13 A Zach was a barista at my store.
- 14 Q Were you present when this card was signed?
- 15 A I was.
- 16 Q Did you watch Zach sign it?
- 17 A I did.
- 18 Q Where were you?
- 19 A In the back of house on my break.
- 20 Q And who else was there?
- 21 A Also Danielle.
- 22 Q How did it come about that Zach signed this card?
- 23 A Same as Danielle. They both came back at the same time
24 ready to sign a card.
- 25 Q And what -- what, if anything, did you tell Zach about

1 what the card was for?

2 A I was speaking to both of them at the same time, so I had
3 said that it was -- you know, you sign it to say that you
4 support having a union at our store and that if we had
5 majority, that we would file for an election.

6 Q And did Zach read the card?

7 A Yes.

8 Q What did Zach do after he signed the card?

9 A He gave it to me.

10 Q And what did you do after he gave it to you?

11 A I brought it to the Tri-Main building.

12 Q Is this a true and accurate copy of Zach's card?

13 A Yes.

14 Q Move to the next card which is marked GC Exhibit 95.

15 A Um-hum.

16 Q Do you recognize this?

17 A Yes.

18 Q And what is this?

19 A This is Victoria Drake's authorization card?

20 Q How do you know Victoria?

21 A Victoria was a barista at my store.

22 Q And were you present when Victoria signed this card?

23 A Yes.

24 Q Did you watch her sign it?

25 A I did.

- 1 Q Where were you when that happened?
- 2 A I was in the back of house on my break.
- 3 Q And was anyone else present?
- 4 A No.
- 5 Q How did it come about that Victoria signed this card?
- 6 A Victoria came to the back of house and had said something
7 along the lines of, give me the damn card, I'm ready.
- 8 Q And what, if anything, did you tell her about what the
9 card was for?
- 10 A I told her that it was -- you would sign it if you
11 supported having a union at our store and that if we got a
12 majority, that we would file for an election.
- 13 Q Did Danielle -- or did Victoria read the card?
- 14 A She did.
- 15 Q What did she do with the card after she signed it?
- 16 A She gave it to me.
- 17 Q And what did you do with it after you got it from her?
- 18 A I brought it to the Tri-Main building.
- 19 Q Is -- is this a true and accurate copy of Victoria's card?
- 20 A It is.
- 21 Q Let's look at the next card which is marked GC Exhibit 96.
22 Do you recognize this card?
- 23 A Yes.
- 24 Q What is this?
- 25 A This is the authorization card of Grey Mutton.

- 1 Q How do you know Grey?
- 2 A Grey is a barista at my store.
- 3 Q And were you represent when Grey signed this card?
- 4 A I was.
- 5 Q Did you watch him sign it?
- 6 A I did.
- 7 Q Where were you when that happened?
- 8 A I was in the back of the house on my break.
- 9 Q Was anyone else there?
- 10 A No.
- 11 Q How did it come about that Grey signed his card?
- 12 A Similarly to Danielle and Zach, Grey come to the back of
13 house and had said that he was ready to sign a card. He asked
14 me -- I -- I -- I told him to read it over and he asked me if
15 he would be fired for signing it. I said no. And then he
16 signed the card and gave it to me.
- 17 Q What, if anything, did you tell him about what the card
18 was for?
- 19 A I told him that it was -- you know, you sign it to -- to
20 say that you support the union and also that it would be used
21 to show that we had a majority of support to file for an
22 election.
- 23 Q Did Greyson read the card?
- 24 A Yes.
- 25 Q And what did he do after he signed the card?

- 1 A He gave it to me.
- 2 Q And what did you do with it after he gave it to you?
- 3 A I brought it to the Tri-Main building.
- 4 Q And is this a true and accurate copy of Greyson's card?
- 5 A Yes.
- 6 Q And look at the final card, which is marked GC Exhibit 97.
- 7 Do --
- 8 A Uh-huh.
- 9 Q -- you recognize this document?
- 10 A Yes.
- 11 Q What is it?
- 12 A This is the authorization card of Haley Gortzig.
- 13 Q Have you known Haley by any other last name?
- 14 A Yes, Sansouci.
- 15 Q How do you know Haley?
- 16 A Haley is a shift supervisor at my store.
- 17 Q Were you present when she signed the card?
- 18 A I was.
- 19 Q And did you watch her sign it?
- 20 A I did.
- 21 Q Where were you when that happened?
- 22 A I was in the cafe in our store.
- 23 Q Who else was present?
- 24 A The other people on the floor, so on that day, it would
- 25 have been Vic -- it would have been Danielle and Zach.

1 Q And how did it come about that Haley signed this card?

2 A So Haley -- I was actually leaving for the day, and Haley
3 had not signed a card after the meeting. But on my way out she
4 said that she was ready to sign after being able to think it
5 over it for a few days.

6 Q And what, if anything, did you say about what the card was
7 for?

8 A Well, we -- from going to the meeting together, we both
9 had already kind of understood what the card was for. But I
10 just said that -- you know, we were getting really close to
11 having a supermajority at the store. And so we would probably
12 file soon. And also just -- you know, that it was a affirming
13 support for the Union.

14 Q Did Haley read the card?

15 A Yes.

16 Q And what did she do with the card after signing it?

17 A Handed it to me.

18 Q And what did you do after you received it?

19 A I brought it back to the Tri-Main building.

20 Q Is this a true and accurate copy of Haley's card?

21 A It is.

22 Q What date did Haley sign this card?

23 A It was 8/29.

24 Q And how do you know that it was August 29th?

25 A Because we had signed other cards that day.



1 MS. STANLEY: Your Honor, at this time, I would offer
2 General Counsel Exhibit 89 to 97.

3 JUDGE ROSAS: Respondent?

4 MR. BEERMAN: Your Honor, for the same reasons that we
5 objected to the offering into evidence of the cards that were
6 introduced via the prior witness, we retain those same
7 objections. I would also note for the record that His Honor
8 has indicated that there is to be no 10(j) improper evidence
9 in -- in this hearing. At this time, this feels awfully close
10 based on the allegation in the complaint to be utilized for
11 that purpose.

12 And for those reasons, I object to the introduction of
13 these exhibits and also request that Your Ho -- Your Honor
14 reconsider it as part of the ruling allowing the prior cards
15 into evidence on that same ground.

16 MS. STANLEY: Your Honor, I would just note, again, that
17 the Gissel is a -- is an allegation in this complaint and we're
18 required to attempt to prove it to the best of my ability. And
19 that's exactly what these cards go for.

20 JUDGE ROSAS: Overruled. General Counsel's 89 through 97
21 are received.

22 **(General Counsel Exhibit Number 89 through 97 Received into**
23 **Evidence)**

24 Q BY MS. STANLEY: And you can just turn those cards over to
25 the side. We're done with those for now.



1 A Thank you.

2 Q Will, who is your current store manager?

3 A It's Tanner Rees.

4 Q Who was your store manager in August of 2021?

5 A David Fiscus.

6 Q Did you have any conversations with David Fiscus in August
7 of 2021 that you recall?

8 A Yes.

9 Q When did you talk to him?

10 A I spoke with him on I think, it was August 23rd of 2021.

11 Q And where were you when you talked to David Fiscus that
12 day?

13 A I was just coming into the store, so we were out of the
14 doorway between the front of house and back of house.

15 Q Was anyone else there?

16 A Other people that were on the shift.

17 Q And what happened in that location?

18 A David had walked up to me and said, Will, I'm raising you
19 up to a shift supervisor. He had asked me -- you know, also --
20 I had said, great. You know, that sounds good. He said that
21 he would get it done that week and I had asked -- or and he had
22 said -- sort of, just like, what are things that are happening
23 in the store. Like, how can we improve the store? Like, how
24 do we fix things at the store? I'm really interested in
25 hearing your feedback on like how we can make things better.



1 Q And what position did he say you should be?

2 A Sorry, a barista trainer.

3 Q And at the time, what was your position?

4 A Barista.

5 Q Did you respond to David when he asked you about what was
6 going on in the store?

7 A I basically told him that everything was fine and that I
8 couldn't think of anything at the moment, but that I would let
9 him know.

10 Q And were you ever promoted to barista trainer?

11 A Yes.

12 Q When was that?

13 A That was later that week.

14 Q Prior to that day of this, had you expressed interest to
15 David Fiscus in becoming a barista trainer?

16 A Yes.

17 Q On what occasions?

18 A We have had a -- a partner development conversation and
19 talked about, you know, how I could become a shift supervisor.
20 And he had said that, you know, barista trainer would come
21 before that. So you know, it was made clear that that's what I
22 should be looking for. And then it just kind of got kicked
23 down the road.

24 Q What does a barista trainer do?

25 A Trains all of the baristas in the store that come in.



1 Q And is there any extra compensation for that?

2 MR. BALSAM: Objection. Cumulative.

3 MS. STANLEY: Okay.

4 Q BY MS. STANLEY: After you were moved to barista trainer
5 in August, did you have any further conversations with David
6 Fiscus?

7 A Yes. We had another partner development conversation.

8 Q When was that?

9 A That would have been in the first week of September,
10 second week of September, I think around the 9th.

11 Q And where were you when you talked to him?

12 A We were in the back of the house at his office.

13 Q And what happened in that conversation?

14 A Basically, we went through sort of the different, like,
15 tasks of a barista and marked out sort of where I was learning,
16 where I was owning, and like where I was exceeding the
17 different, like, roles. And he had said that -- you know, I
18 was exceeding on most of the roles, but not a couple of them.
19 And that after I trained a couple of people, that then I would
20 probably be ready to be the shift.

21 He also asked me what improvements could be made at the
22 store, if there were things that were wrong that we could fix.
23 And if, you know, there were any issues that I knew people were
24 having that I could let him know.

25 Q Will, how many new partners have you trained since



1 becoming a barista trainer in August 2021?

2 A One.

3 Q And when did you train that person?

4 A In early September.

5 Q Have you ever applied for a position as shift supervisor?

6 A I have.

7 Q How many times have you done that?

8 A Probably around two dozen times.

9 Q Is that Sheridan and Bailey?

10 A Yeah.

11 Q Are you aware of any other partners being promoted at Camp
12 Road in August 2021?

13 A Yes.

14 Q Who was promoted?

15 A Danelle Kanavel.

16 Q How do you know Danelle was promoted?

17 A She had been called into the store the same day that I was
18 promoted to barista trainer. She wasn't on the schedule, but
19 was asked by Dave Fiscus to come in.

20 Q How do you know that David Fiscus asked her to come in
21 that day?

22 A Because I had overheard the phone call.

23 Q And then what happened?

24 A Then he had brought her into the back of the house and
25 offered her the shift supervisor position, basically saying,



1 okay, I'm going to make you a shift supervisor today.

2 Q How do you know about that happening?

3 A Because I overheard it.

4 Q What was Danelle's position prior to August 23rd?

5 A She was a barista trainer.

6 Q Will, when the campaign began in August, who was your
7 district manager at the time?

8 A David LeFrois.

9 Q How often did you see David LeFrois in your store prior to
10 the campaign?

11 A No -- zero times.

12 Q And at that time, what hours were you working?

13 A I was working about 38-and-a-half -- or 39-and-a-half
14 hours a week.

15 Q After the campaign started in August, did you ever see
16 David LeFrois in your store?

17 A Yes.

18 Q On what occasion?

19 A I saw David LeFrois almost every day that I worked from
20 August 23rd until he was separated from the company.

21 Q Did you ever have a conversation with any supervisor or
22 manager about your store manager at the time, David Fiscus?

23 A Yes.

24 Q Who did you talk to?

25 A Michael Donovan, III.

1 Q And who was he and what was his position at the time?

2 A Michael was a shift supervisor at my store for my first
3 few weeks there. And then had promoted to be an assistant
4 store manager at -- I think, first Genesee Street and then
5 Williamsville Place.

6 Q At the time you spoke to him, what was his job position?

7 A He was an assistant store manager.

8 Q Why did you talk to Michael Donovan?

9 A He was someone that I had made a connection with at my
10 store when I first started, and also someone who I trusted.
11 And there were just certain issues with like David Fiscus that
12 I didn't feel comfortable speaking to him directly about, so I
13 thought that Michael was somebody that I can go to.

14 Q Why didn't you talk to David LeFrois about your concerns?

15 A Because I wasn't sure if David LeFrois would protect David
16 Fiscus or not, and I knew -- just knew and trusted Michael.

17 Q Where did you meet with Michael?

18 A We met at the Genesee Street store.

19 Q And what happened during your conversation with him?

20 A I raised with him several like, issues that I had had with
21 David Fiscus; the comments that he had made. And basically,
22 like asked -- like, sort of how he went about being able to
23 promote under David because it seemed to me like they were --
24 it would -- it would be -- been really difficult to both, like,
25 promote and also, like, maintain, like, good character.

1 Q Have you raised the issues that you brought up to Michael
2 to anyone else prior to this?

3 A Yes. I brought them up with other shift supervisor at my
4 store.

5 Q What about anyone else from Starbucks?

6 A Meaning -- do -- do you mean -- in -- in what time -- in
7 what time frame?

8 Q During the time you worked at Camp Road, have you ever
9 made any complaints about David Fiscus?

10 A Yeah. I -- and to all -- like, pretty much different
11 people at my store, barista, shift supervisors.

12 Q Did you ever make a complaint to ethics and compliance?

13 A No, I did not.

14 Q Do you know whether other people did?

15 A I do.

16 Q What did Michael Donovan say?

17 A He said that he thought that it was an issue that had been
18 taken care of. But by what I was saying, that clearly it
19 hadn't been and that he was going to go to David LeFrois to
20 make sure that LeFrois talks to Fiscus and that it would be
21 settled and reassured me that I wouldn't be retaliated against
22 for talking to him.

23 Q To your knowledge, when have the complaints to ethics and
24 compliance been made?

25 A I think as early as April of 2021, which before I had even

1 gotten there.

2 Q After the campaign started, Will, did you see any new
3 people in your store?

4 A Yes.

5 Q Who do you -- who did you see -- who do you recall seeing?

6 A So besides David LeFrois, there was also Shelby Young.

7 Q And who's Shelby Young?

8 A Shelby Young is another district manager -- or used to be
9 another district manager for Starbucks in the Buffalo region.

10 Q Was Shelby Young the district manager for your store?

11 A No.

12 Q Who else did you see?

13 A Rossann Williams, Allyson Peck, Deanna Pusatier. And then
14 a host of different support managers.

15 Q Have you ever seen Rossann Williams at your store prior to
16 the campaign?

17 A No.

18 Q What about Allyson Peck?

19 A No.

20 Q What about Deanna Pusatier?

21 A No.

22 Q What did you observe Rossann Williams doing at your store?

23 A She went up and down the floor talking to the baristas,
24 introducing herself, and had also come up to me and introduced
25 herself and just asked sort of -- you know, what are the issues

1 at the store. How can we help? How can we fix things?

2 Q Did -- do you recall her saying anything else?

3 A Yes. I remember during our, like, first meeting, like, we
4 had arranged a time to sit down. And so I sat down with her
5 and she was saying you know, that she was here to help. She
6 was here to support. And I asked her, like, well, you know,
7 it's -- I said, I think that it was great that she was
8 supporting now, but I asked, like, how long she was going to be
9 around for really, and like how much we could really rely on
10 her being around. And she said that she was going to meet
11 every partner in Buffalo, learn all of the names, and that she
12 was going to be back tomorrow and that she was going to keep
13 coming back until I told her that everything was okay.

14 Q Will, after the campaign started, did you ever attend any
15 meetings held by Starbucks?

16 A I did.

17 Q When was the first meeting you attended?

18 A It would have been September 9th, I believe.

19 Q And where was that meeting held?

20 A That was held at a hotel right by the airport on Genesee
21 Street.

22 Q Do you know how many meetings were held that day at that
23 place?

24 A I believe it was two that were held that day for my store.
25 And then another one that was held either the day before or the

1 day after.

2 Q What time was the meeting you attended on September 9th?

3 A It was later in the day. They closed the store at Camp
4 Road to go to the meeting and then driven from there.

5 Q How did you learn about the meeting?

6 A It was posted about in our store's GroupMe by David Fiscus
7 letting everybody know that they were scheduled for these
8 different times and that he didn't have much information, but
9 that we would close down the store to -- to make it happen.

10 Q And at that time, what was the normal closing time of your
11 store?

12 A It would have been anywhere between 9 and 10.

13 Q And what time did you close the store that day?

14 A I think about like 3 or 4.

15 Q Why did you go to that meeting?

16 A I was scheduled.

17 Q Who from Starbucks ran that meeting on September 9th?

18 A It was Rossann Williams, Allyson Peck, and Deanna
19 Pusatier.

20 Q How many partners were there?

21 A Around 12.

22 Q Will, did you record that meeting on September 9th?

23 A I did.

24 Q How did you do that?

25 A With my phone.



1 Q Did you record the whole meeting?

2 A I did.

3 Q And what did you do with the recording after you made it?

4 A I submitted it to the NLRB.

5 Q Did you edit the recording in any way?

6 A I did not.

7 Q If I were to play the recording for you, would you
8 identify it for us?

9 A Yes.

10 Q And have you ever seen a transcript for that September 9th
11 meeting?

12 A I have.

13 Q What did you do with that transcription?

14 A I identified different voices in the meeting to the best
15 of my ability.

16 MS. STANLEY: At this time, I would -- I would play it.
17 And I don't know if the Respondent wants to add?

18 JUDGE ROSAS: That's fine.

19 MR. BALSAM: Your Honor, may we have the ability to review
20 the transcript before committing to whether or not we need a
21 further -- played in court.

22 JUDGE ROSAS: Off the record.

23 (Off the record at 11:39 p.m.)

24 MR. BALSAM: Your Honor, we have reviewed the three
25 transcripts that have been provided to us. We don't see the

1 need to play the audio recording of these transcripts at this
2 time, so for those reasons, we will not require it. But we do
3 reserve our right to listen to future recordings to the extent
4 that it is necessary. In addition, we're making our prior
5 objection with respect to the admissibility of the audio
6 recordings and the transcript.

7 MS. STANLEY: And Your Honor, I think I'm -- I'll offer
8 all three. I'll offer General Counsel 98(a) and (b), 99(a) and
9 (b), and 100(a) and (b).

10 JUDGE ROSAS: Any voir dire or any other objections?

11 MR. BALSAM: Not at this time.

12 JUDGE ROSAS: Okay. General Counsel's 98(a) and (b),
13 99(a) and (b), and 100(a) and (b) are received over continuing
14 objection.

15 **(General Counsel Exhibit Numbers 98(a), 98(b), 99(a), 99(b),**
16 **100(a) and 100(b) Received into Evidence)**

17 MS. STANLEY: Thank you.

18 **RESUMED DIRECT EXAMINATION**

19 Q BY MS. STANLEY: Will, after the September 9th meeting,
20 did you attend any other meetings in September?

21 A I did.

22 Q On what date?

23 A I also attended meetings on September 15th and I think
24 September 25th.

25 Q Tell me about the September 15th meeting. Where was that



1 held?

2 A That was held at the hotel down the road from our store at
3 Camp Road.

4 Q How did you learn about the September 15th meeting?

5 A It was posted about it in our store's GroupMe by David
6 Fiscus with times for everyone to show up.

7 Q And what did Fiscus say about the meeting in the GroupMe?

8 A That he didn't have much information, that it was --
9 somebody had asked if it was, you know, for people who missed
10 the previous week's meeting. And he said no, that we were
11 going to be having meetings every week.

12 Q What time of day was the meeting held on September 15th?

13 A It was much earlier in the day, morning.

14 Q And how many partners from Camp Road were there?

15 A Around 15.

16 Q Was your store open during the meeting or closed?

17 A It was open, but it wasn't run by anyone that was from my
18 store. It was run by partners at Niagara Falls Boulevard.

19 Q And how do you know that?

20 A Because it was also mentioned in the GroupMe by David
21 Fiscus and then also that I went to the store.

22 Q Who from Starbucks Corporate was present at the September
23 15th meeting?

24 A It was Rossann Williams, Allyson Peck, and Deanna
25 Pusatier.



1 Q Did you have any conversations with any of them after the
2 meeting ended?

3 A Yes, with Rossann Williams.

4 Q What happened?

5 A After the meeting, we met. And I had asked her, you know,
6 if I was too combative or -- you know, affecting the process,
7 you know, trying to be aggressive in the meeting. And she
8 said, no, that really she -- what she saw was, like, qualities
9 to be a district manager and that I should start thinking about
10 my development at the company. And that I would be a really
11 good district manager partially because, you know, of the
12 really bad experience that I have had with bad leaders and that
13 I wouldn't, you know, fail the people in the same way that I
14 have been failed.

15 Q What did you do after you left the September 15th meeting?

16 A I went to my store at Camp Road.

17 Q Why'd you do that?

18 A When I had driven by my store in the morning on the way to
19 the meeting, there had been a wraparound of cars in the drive
20 thru line. And so I had gone in to just sort of see if any
21 help was needed or if I could, you know, clock in.

22 Q What happened when you arrived at the store?

23 A I met Kelliegh Hanlon, who was going to be my new store
24 manager because David Fiscus was departing. And I also met MK
25 who's going to be the new district manager?



1 Q Did you have any conversation with MK that day?

2 A I did.

3 Q What did -- what happened in that conversation?

4 A MK told me that -- I believe that day, my coworker, Ashlyn
5 Tehoke was being promoted from shift supervisor to assistant
6 store manager.

7 Q Do you remember anything else that MK said that day?

8 A She had introduced me to a bunch of different regional
9 operations coaches and store operations coaches who were -- you
10 know, support managers that were like, all coming into Buffalo,
11 and you know, supposed to be supporting the region.

12 Q Who did MK introduce you to that day?

13 A I met that day, I believe, Ana and Joanna as well as
14 again, Kelliegh Hanlon and Dustin, who's from Georgia, who was
15 working and actually helping the Niagara Falls Boulevard
16 partners on the floor.

17 Q Since September 15th, how often have you seen support
18 managers in the store while you're working?

19 A From September 15th until the end of December, I saw
20 support managers every day that I was in the store.

21 Q What about after December?

22 A No, I -- I did not.

23 Q You do not what?

24 A I did not see support managers.

25 Q Were any of the support managers you met on September 15th

1 a time -- full time for your store, to your knowledge?

2 A Yes, just Kelliegh Hanlon.

3 Q Did any other support manager other than Kelliegh ever get
4 assigned to your store, to your knowledge?

5 A I don't know if assigned is the word, but some of them
6 regularly would work at my store, you know, five days a week.

7 Q Who -- who -- who was that?

8 A That would have been Ana and Joanna.

9 Q You ever meet a support manager named Taylor?

10 A Taylor Pringle? Yes.

11 Q When did Taylor come to your store?

12 A It would have been maybe a week after that meeting.

13 Q How long did Kelliegh Hanlon stay at your store?

14 A Until mid-December.

15 Q How long did Taylor Pringle stay your store?

16 A Until early December.

17 Q What did you observe the support managers do at your
18 store?

19 MR. BALSAM: Objection. Cumulative of prior testimony
20 from another witness at the same location during the same time
21 period.

22 JUDGE ROSAS: I'll allow corroboration by at least one
23 witness. Overruled.

24 A Support managers -- you know, basically took over the
25 managerial duties of -- you know, scheduling. They took over



1 like enforcement of rules, you know, just certain policy, and
2 from time to time, they would work on the floor.

3 Q BY MS. STANLEY: Will, is your store a drive-thru store?

4 A It is.

5 Q How does that work?

6 A Basically, cars pull up to an ordering station. And then
7 they communicate to the baristas through headsets that are used
8 on -- on the floor.

9 Q Could support manager wear headsets in your store?

10 A They did.

11 Q With what frequency that you observed?

12 A Every time -- if there was a support manager in my store,
13 there was a support manager on a headset.

14 Q Did you ever interact with any support managers over the
15 headset?

16 A Yes.

17 Q On what occasion?

18 A About -- I don't know at what time frame, but there was a
19 support manager named Taylor.

20 Q Was this Taylor --

21 A This --

22 Q -- Pringle?

23 A -- this is not Taylor Pringle. This is a different Taylor
24 support manager who at one point a customer had -- you know,
25 brought up the union campaign. And so different people over

1 the handset -- baristas had started talking about the union and
2 Taylor had said over the handset that we were not allowed to
3 talk about it.

4 Q Do you recall any other interactions that you had with
5 support managers over headsets?

6 A No, not at this time.

7 Q What kind of topics will you talk about with your
8 coworkers over the headsets?

9 A Really anything. They try -- and just became like another
10 line of communication, so could be work-related or not work-
11 related.

12 Q Did you ever talk about your wages over headset?

13 A No, not over headset. However, I did have a conversation
14 about wages.

15 MR. BALSAM: Objection.

16 JUDGE ROSAS: What's the basis?

17 MR. BALSAM: Those aren't the an -- he already provided
18 the answers. He already provided the answer.

19 JUDGE ROSAS: Okay. Next question.

20 Q BY MS. STANLEY: Will, do you ever have any conversations
21 with your coworkers about wages?

22 A Yes.

23 Q On what occasion?

24 A I was talking to my coworker, Katie, who is a 18-year
25 partner at our store about wages, specifically that -- you

1 know, at the beginning of the campaign, she was only making
2 \$0.26 an hour more than the shift supervisor who had been hired
3 that year. And Taylor Pringle had told me that we -- you know,
4 weren't supposed to be talking about wages.

5 Q Do you remember an approximate time frame for that
6 conversation?

7 A It would have been in November of 2021, early November.

8 Q What were the operational hours of your store prior to the
9 campaign?

10 A We opened every day at either 5:30 or 6 with baristas
11 coming in at either 5 or 5:30. And then we would close either
12 at 9 p.m., 9:30 or 10.

13 Q When David Fiscus was your manager, how often did you see
14 him in the store?

15 A We -- I saw him five days a week, approximately -- you
16 know, he worked 40 hours a week.

17 Q And what did he do in the store?

18 A He would write the schedules. He would occasionally work
19 on the floor and he would do work at his office. That's --

20 Q Did -- did David ever wear a -- did David Fiscus ever wear
21 a headset?

22 A He did when he was on the floor.

23 Q Will, did there come a time when the operational hours of
24 your store changed?

25 A Yes.

1 Q When was that?

2 A That would have been sometime in October.

3 Q And what change did you observe?

4 A We started closing at either 6 or 6:30, I think, every
5 day.

6 Q And after that, did they ever change again?

7 A Yes.

8 Q When was that?

9 A That would have been sometime -- maybe a week after
10 December 9th.

11 Q And what was that change?

12 A Back to normal with closing times being at 9, 9:30.

13 Q Will, how are tips distributed at your store?

14 A So basically, the number of tips is all counted and the
15 number of hours that the whole store has worked is counted.
16 And then the tips get divided based on the number of hours
17 worked for each person. So it's -- you know, if there's \$100
18 and 100 hours of work by the full store, then it's \$1 per hour.
19 And so then if I worked ten hours, I would get \$10.

20 Q Will, to your knowledge, does Starbucks have a dress code?

21 A Yes.

22 Q Prior to the campaign, had you ever been disciplined for
23 violating the dress code?

24 A No.

25 Q Did you ever see anyone else disciplined for violating the



1 dress code?

2 A Not to my knowledge.

3 Q What about after the campaign began?

4 A Yes.

5 Q What did you observe about the dress code after the
6 campaign began?

7 A People started getting like sent home for wearing shirts
8 with graphics on them or shirts that weren't the right color.

9 Q Who was sending people home?

10 A That would have been either Kelliegh Hanlon or Taylor
11 Pringle.

12 Q Did you ever have any conversations with Kelliegh Hanlon
13 about the dress code?

14 A Yes.

15 Q On what occasion?

16 A Kelliegh had been going around talking to the baristas,
17 asking them to sign on to the dress code.

18 Q Did she ask you to sign it?

19 A She did.

20 Q And what happened?

21 A I asked her -- I asked her if we were -- since it was
22 actually the same policy as the one when I was hired, I had
23 asked her if she was planning on changing enforcement of the
24 dress code, and she asked me what I had meant. And I said,
25 well, for example, you're wearing pajamas right now; it's

1 pajama day. And she said, yes. And I said, well, pajamas
2 aren't in the dress code. And she said, no. I said, are we
3 going to stop having pajama day. She said, no. I said, okay,
4 well, Katie's shirt is green; that's not in the dress code.
5 And she said, no. I said, is Katie not allowed to wear her
6 shirt. She said, no. And so then I said, well, it doesn't
7 seem like we're changing enforcement then. And she said, yes.
8 And so then I signed it.

9 Q Other than the dress code, did you observe any other
10 changes in your store?

11 A Yes. There were changes to staffing. First -- well,
12 step -- staffing in our -- our location, at first we were told
13 basically that we could work as many hours as we wanted --

14 MR. BALSAM: Objection, Your Honor. He can testify about
15 what he personally knows, not what other people --

16 JUDGE ROSAS: Sustained.

17 MR. BALSAM: -- shared with him. Thank you.

18 Q BY MS. STANLEY: Will, what were you told about hours?

19 A I was told that I can get as many hours as I wanted.

20 Q Who told you that?

21 A Hmm?

22 Q Who told you that?

23 A Multiple people, both Kelliegh and also like Rossann and
24 Allyson Peck had all said to a group of us that we could work
25 as many hours as we wanted.

1 Q And when was that?

2 A That would have been in September.

3 Q And did that ever change?

4 A Yes. So then after we had a number of people hired at our
5 store and also had members from other stores that were like,
6 working on the floor at our store. We had basically twice as
7 much staffing. And so then we were told that -- you know, we
8 could no longer have as many hours as we wanted.

9 Q And who told you that?

10 A That would have been Kelliegh and Taylor Pringle.

11 Q Other than the staffing, what else did you notice?

12 A There was a change in how hiring worked at our store,
13 where basically the store managers were no longer practice --
14 were no longer a part of the hiring process. It became --

15 Q How do you know that?

16 A Both from my own interviews with the recruiters that
17 Starbucks was using as well as from Rossann, Allyson, and
18 Deanna in our store meetings. They told us that they had hired
19 in managers from outside Buffalo to take over the hiring and
20 that they were rapidly increasing the number of interviews that
21 they were doing. I also know that from a NLRB hearing, there
22 was a company witness who said that basically the number of
23 interviews that they had conducted was tenfold from September
24 of 2021 until fall of 2021.

25 Q Other than hiring, what else did you notice?



1 A There was also, like I said -- had said before, just
2 stores that were -- like stores of partners that were coming in
3 to our store to basically work alongside us. Specifically,
4 partners from the Walden and Anderson store, Niagara Falls
5 Boulevard store, and the Hamburg McKinley store.

6 Q Do you know if when the Walden and Andersen partners were
7 working at your store, whether that store was open?

8 A It was not.

9 Q What about the Niagara Falls Boulevard store?

10 A It was not.

11 Q And McKinley?

12 A It was not.

13 Q How long did the McKinley partners work in your store?

14 A They worked in our store from maybe late November or early
15 December of 2021 all the way through until April of 2022.

16 Q What about the Walden Andersen partners?

17 A They would have worked at our store much earlier in like
18 September and October of 2021.

19 Q And Niagara Falls Boulevard?

20 A The same as the Walden Anderson.

21 Q Will, did your store -- did your store have mobile
22 ordering?

23 A It does.

24 Q Prior to the campaign, how did mobile ordering work in
25 your store?



1 A Well, from the customer perspective, they placed an order
2 through the app and then we get a ticket that then has us make
3 the drink. And whether or not mobile orders are turned on or
4 off is determined by the store mana -- was determined by the
5 store manager.

6 Q Did there come a time when who determined if -- if mobile
7 orders were on or off changed?

8 A No.

9 Q It was always decided by the store manager?

10 A Yes.

11 Q How would the store managers go about making that
12 decision, to your knowledge?

13 A Before the campaign, the store manager never would turn
14 off mobile orders if people asked.

15 Q Did that change after the campaign?

16 A Yes.

17 Q When did that change?

18 A That changed in early September of 2021.

19 Q And what change did you observe?

20 A Well, we were all told by Kelliegh and Taylor that at --
21 basically, any time that we needed to turn off the mobile
22 orders, that we could just send them a text message and that
23 they would turn them off.

24 Q Did you ever observe that happening?

25 A Yes.



1 Q And did that ever change again?

2 A Yes.

3 Q When did that happen?

4 A In mid-December, we were then told that we needed to keep
5 mobile orders on.

6 Q Will, prior to the campaign, how would you switch shifts
7 with somebody if you wanted to do that?

8 A I would -- there would be a message in the -- like Buffalo
9 wide GroupMe, which basically has several hundred partners
10 across the Greater Buffalo area. I would put in saying, oh, I
11 need a shift covered from this time to this time at this store.
12 And then other people could respond and pick up the shift.

13 Q And who approved that?

14 A So that would've been approved by the shift supervisor at
15 whatever store was operating.

16 Q Did there come a time that process changed?

17 A Yes.

18 Q When was that.

19 A So that was later, I think, in December, that all of a
20 sudden it was store managers that needed to make that --
21 approve.

22 Q Prior to the campaign, how was training conducted at your
23 store to your observation as a -- as a barista?

24 A So training, basically, you know, the manager would
25 conduct the interview and do like the First Sip at the store,



1 which is basically just a tour of the cafe as well as coffee
2 tasting. And then that new partner would come in to be trained
3 over the next couple of weeks by a barista training or a shift
4 supervisor.

5 Q And to your knowledge, did that process ever change?

6 A Yes.

7 Q When did that happen?

8 A That happened in early September.

9 Q And what change did you observe?

10 A So partners were no longer trained at my store. They were
11 trained instead at the Walden Anderson store, which was closed.

12 Q And how long was -- was that the case?

13 A That would have been -- geez, from September through maybe
14 December.

15 Q And after that point, were partners trained at your store?

16 A Not for a little while longer, no.

17 Q Have you ever trained a partner at your store?

18 A Yes.

19 Q Who did you train?

20 A I trained Eli (phonetic throughout), who is a partner at
21 my store assigned to me by David Fiscus in late September.

22 Q Since then, who have you trained?

23 A No one, not in an official capacity.

24 Q What do you mean by not in an official capacity?

25 A Well, because we didn't have people training at our store,



1 but we did have people training at other stores and then coming
2 to our store. And more often than not, we found that those
3 people weren't very well-trained and so we had to retrain them.

4 MR. BALSAM: Objection. Move to strike any response that
5 is not based on this witness' personal knowledge. He used or
6 we I think twice in his response.

7 MS. STANLEY: I'll -- I can ask a different way.

8 JUDGE ROSAS: Try it again.

9 Q BY MS. STANLEY: Will, what did you observe about the --
10 the new partners that were trained outside of your store?

11 A I observed that they were not trained properly and had
12 conversations with baristas and shift supervisors at my store
13 discussing, like, the lack of training that these partners had.
14 And so I was asked to retrain multiple partners at my store.

15 Q Who asked you that?

16 A Both shift supervisors and my managers at the time.

17 Q And did you do that?

18 A I did.

19 Q Did you receive a bonus for training those people?

20 A No.

21 Q Will, aside from the time that your store closed for
22 meetings, did it ever close for any other reason in the fall of
23 2021?

24 A Yes.

25 Q Around -- around when was that?

1 A That would have been, I think, in October of 2021.

2 Q Why was the store closed?

3 A So in one of our store meetings, we had brought up the
4 issue of fruit flies at our store. We had -- you know, said to
5 Rossann, Allyson, and Deanna that fruit flies were a big
6 problem and that we needed to get rid of them. And so shortly
7 after that, the company sent in an -- a team of cleaners to get
8 rid of the fruit flies, and instead they had destroyed the
9 floors, cabinets, and bathrooms of our store.

10 Q And so what was the result of that?

11 A And so because of that damage, we then had to close down
12 the store for about two weeks to get a remodel.

13 Q Do you know why the Niagara Falls Boulevard store was
14 closed?

15 A I was told that it was because their -- they had a lot of
16 water damage and needed to remodel the store.

17 Q And what about McKinley?

18 A They were also remodeling the store.

19 Q Will, are you aware of any meeting held at your store in
20 November of 2021?

21 A Yes.

22 Q When was that meeting?

23 A I don't know ex -- the exact date, but I think it was two
24 days before ballots went out for our store.

25 Q Did you attend that meeting?



1 A I tried to.

2 Q What happened?

3 A There were three people standing outside of my store that
4 told me I couldn't come in.

5 Q Was that meeting -- how did you learn about the meeting
6 that day?

7 A It had been posted about in the GroupMe and Ashlyn Tehoke,
8 who was our assistant store manager, was telling us that we all
9 needed to go.

10 Q And where you assigned a specific time to go?

11 A Could you repeat that?

12 Q Were you assigned a time to go?

13 A Yes, I was.

14 Q What time were you supposed to go?

15 A I believe 7 p.m.

16 Q Did you go to the 7 p.m. meeting?

17 A I did not.

18 Q What meeting did you go to?

19 A I believe there was one at like 5:30 or 5.

20 Q And why did you go to that meeting then?

21 A I had asked Ashlyn if I could attend the earlier meeting
22 because I had to work early the next day. And she had said
23 yes, that I could.

24 Q And what happened when you arrived for that meeting?

25 A So there were three support managers that were standing



1 outside of the door, one of them being Taylor, not the -- not
2 Taylor Pringle, the other Taylor. And at first they had said,
3 oh, you know, you weren't scheduled for this time, so we can't
4 let you in. And I had said, well, I -- actually, I have
5 messages here from Ashlyn who said that I could attend the
6 earlier time. They said, well, you're not on the list. And I
7 said, yes, but I was told that I could come in at this time.
8 They said that there was a capacity issue and that I wouldn't
9 be able to -- you know, enter because they wanted to try to
10 keep the numbers small.

11 But there had been, I think, 14 people scheduled for the
12 meeting based on like the lists that we had in GroupMe and only
13 four were in the store at the time.

14 Q How do you know that?

15 A Because the front of the store is made of glass, so I
16 could see.

17 Q And what happened next?

18 A Well, so I -- I had said, well, you know, at least --
19 obviously, you were planning on having a larger capacity, so I
20 didn't see why, you know, a capacity issue is really valid.
21 And they said, well, there are macaroons inside and we're not
22 sure we'll have enough macaroons.

23 Q Did you respond to that?

24 A I said that I didn't need a macaroon and that I just
25 wanted to be able to attend the meeting.



1 Q Were you ultimately allowed to attend the meeting?

2 A No.

3 Q After that day, did you attend any further meeting?

4 A Yes.

5 Q What meeting did you attend?

6 A It was a meeting that was supposed to be a makeup for the
7 previous day, held at the same hotel as before on Camp Road.

8 Q And how did you come to attend that meeting?

9 A I had clocked in to work that day and Ashlyn Tehoke
10 they -- ju -- just stay clocked in, go down the road, and
11 there's another meeting for you there.

12 Q Were you paid to attend that meeting?

13 A Yes.

14 Q And who was present for that meeting?

15 A There were three -- the same support managers standing
16 outside the door. And then inside there was MK, my district
17 manager, Shannon Garcia, who's one -- I think one of the
18 executive vice presidents. Marsha King, who is one of my
19 support managers in my store, Ana, who is another support
20 manager in my store, a woman named Monica (phonetic
21 throughout), who like works in some sort of operations. I
22 mean, I'm not really sure and Carlos from Human Resources or
23 Partner Resources.

24 Q How many other partners were in that meeting aside from
25 yourself?

1 A None.

2 JUDGE ROSAS: You said nine or none?

3 THE WITNESS: None. Zero other partners besides myself.

4 Q BY MS. STANLEY: Did you record that meeting?

5 A I did.

6 MS. STANLEY: And I'll just note for the record that
7 that's in reference to General Counsel Exhibit 100(a) and (b).

8 Q BY MS. STANLEY: Will, prior to the campaign, did your
9 store have a policy surrounding COVID?

10 A Yes.

11 Q What, to your knowledge, was the policy prior to the
12 campaign?

13 A So if you had symptoms of COVID, you were put on a three-
14 day isolation. That could then be undone if you provided a
15 false test.

16 Q A false test?

17 A Or -- yeah, a negative test.

18 Q And were you ever sent home because of the -- that COVID
19 policy?

20 A I was.

21 Q When was that?

22 A That would have been in July of 2021.

23 Q And what happened on that occasion?

24 A So I had had symptoms. My manager told me not to come in
25 and told me to isolate for the next three days. I asked if I

1 could take a test in order to be able to return to work. And
2 he said yes. So I went -- got one taken, gave it to him, and
3 then reported to work the next day.

4 Q Were you ever sent home because of the COVID policy after
5 the campaign?

6 A Yes.

7 Q When was that?

8 A That was in November of 2021.

9 Q And what happened on that occasion?

10 A I was going to work. I had clocked in. And then either I
11 sneezed or coughed or sniffled or something, and so I was sent
12 home.

13 Q Who sent you home?

14 A That was Haley Gortzig, who was the shift supervisor on at
15 the time.

16 Q And what happened after you were sent home that day?

17 A So I had messaged Ashlyn Tehoke, the assistant store
18 manager at the time, basically letting her know what had
19 happened, that Haley had sent me home, and that I -- and asked
20 if I could -- you know, take a COVID test in order to report in
21 the next day. And she told me that I could not. That that --
22 and so I waited three days and then I worked after that point.

23 Q And what happened after you worked?

24 A After I worked, I then got into contact with Ashlyn again.
25 She had called me asking -- or she had called me saying that

1 actually she had the COVID policy wrong and that I would need
2 to be isolated for two weeks and that no test could exempt me
3 from the two weeks of full isolation.

4 Q And so what happened?

5 A So I was out of the store for the whole time.

6 Q Will, are you familiar with the Sheridan and Bailey store?

7 A I am.

8 Q How?

9 A I have worked and picked up multiple shifts there.

10 Q What's the most recent time you went to Sheridan and --
11 and Bailey to work?

12 A It would have been either mid or late December.

13 Q And what happened on that occasion?

14 A Basically, I was working at Camp Road and this was at a
15 time when the McKinley store was working on our floor. So we
16 basically had twice as many staff as we would normally. And we
17 got messages through the Buffalo GroupMe saying that, oh, like
18 Sheridan and Bailey is down like four or five partners. We
19 really need help.

20 So I had asked Jalaad Ateef (phonetic throughout), who was
21 the shift supervisor on at the time, if I would be able to go
22 and pick up a shift at Sheridan and Bailey to support them
23 since we were overstaffed.

24 Q And what -- what did he say?

25 A He said that he, you know, wanted to check on a couple of

1 things, but that he would let me know. And then he came back a
2 couple of minutes later, and said, yes, you can -- you can go
3 over to Sheridan and Bailey.

4 Q So what'd you do next?

5 A So I drove over there. When I arrived, there was a line
6 of customers out the door and also a line of cars that went all
7 the way across the parking lot, I think, to North Bailey Ave
8 from the store. And it was very busy. So I couldn't -- I
9 didn't immediately find the shift supervisor. Instead, I
10 started taking out trashes and refilling the ice bins. And
11 then after that, I was assigned to a position and we were able
12 to get things together.

13 Q What position were you assigned to?

14 A I believe, at first, I was assigned to on bar and then
15 later I was assigned to drive thru ordering.

16 Q Okay. And what happened next?

17 A After working for about two hours, a woman approached me
18 and told me that I was all set. So I gave her the headset and
19 went back to the shift supervisor to figure out, like, what my
20 next role was going to be. And she said -- and the shift told
21 me that I wasn't allowed -- like, that Greta had said that I
22 wasn't allowed to continue working at the store.

23 Q Who is Greta?

24 A Greta was the district manager at that time for the
25 Sheridan Bailey store.

1 Q And what did you do next?

2 A So realizing that that woman who had called me over was
3 Greta, I walked up to her and like, offered to continue working
4 and said that, you know, I would be able to continue to help
5 out. The line of customers and line of cars had only gone down
6 very little and they were still down about three to four
7 people. So I said that I was more than happy to continue to
8 help. And she said like, no, you're done. Go home.

9 So I went into the back of a house where Marsha King was
10 actually. She had come in with Greta. And had said, like,
11 they're sending me home. And Marsha said, oh, really? And I
12 said, yeah. And she said, well, I guess you'll have to go home
13 then. And I went over to the shift and the shift was -- said
14 something along the lines of like, I can't believe that they're
15 sending you home and we're this busy. And -- oh, I had asked
16 Marsha if I should go back to Camp Road, and she said, no, that
17 I shouldn't, so I went home.

18 Q Will, prior to the campaign, about how many hours did you
19 work for -- per week?

20 A About --

21 MR. BALSAM: Objection. Asked and answered.

22 Specifically, Your Honor, he testified that he worked 38-and-a-
23 half to 39-and-a-half hours per week. It's in the first hour
24 of his testimony.

25 Q BY MS. STANLEY: Will, did there come a time when the

1 number of hours per week that you worked changed?

2 A Yes.

3 Q When was that?

4 A In mid or late December, I came in for a shift and was
5 approached by my new assistant store manager, Tanner Rees.

6 Q And what did Tanner Rees say?

7 A He said, like, hi, I'm Tanner. I'm you're new assistant
8 store manager and you can only expect to work up to 25 hours a
9 week --

10 Q Could you --

11 A -- from now on.

12 Q Could you respond to him when he said that?

13 A I said, oh, like, why is that happening? That's a pretty
14 like drastic cut. And --

15 Q Did he respond?

16 A He had said, oh, well, we're -- we've been way over --

17 MR. BALSAM: Objection. Nonresponsive. It was a --

18 MS. STANLEY: I said --

19 MR. BALSAM: -- yes or no question.

20 MS. STANLEY: -- did he respond.

21 JUDGE ROSAS: Yes or no.

22 A Yes.

23 Q BY MS. STANLEY: What was his response?

24 A His response was that they had gone way over on labor and
25 needed to --

1 MR. BALSAM: Objection, to the term, they. Who's here
2 from --

3 Q BY MS. STANLEY: What did he say?

4 JUDGE ROSAS: What -- what did he say?

5 THE WITNESS: Tanner said that we, as a store, have gone
6 over on labor and so hours needed to be cut back. So I went to
7 the schedules in the back of house --

8 Q BY MS. STANLEY: What did you do after you had that
9 conversation with Tanner?

10 A Sorry. I went to the schedules in the back of house and
11 took a look at the hour cuts for the future proposed schedules.

12 Q And what did you observe?

13 A That hours had been cut for myself, for Elissa Pfleuger,
14 for Gianna Reeve, for Josh Pike, for CC (phonetic throughout),
15 and for Ryan Mox.

16 Q Will, is there an organizing committee specific to the
17 Camp Road store?

18 A Yes.

19 Q Who are the members of that organizing committee?

20 A The members of that -- the organizing committee at that
21 time were Elissa Pfleuger, Gianna Reeve, myself, Ryan Mox, Josh
22 Pike, and CC.

23 A Will, did there come a time when Camp Road filed a
24 petition for an election?

25 A Yes.

1 Q How do you know that?

2 A I saw the -- you know, the filing.

3 Q And was an election held for your store?

4 A Yes.

5 Q When was that?

6 A That was on December 9th.

7 Q What was the result?

8 A It was 8, yes; 12, no; and I believe, two contested.

9 Q Will, in your opinion, did Starbucks' response to the
10 campaign at your store affect the campaign?

11 MR. BALSAM: Objection. This witness can't testify --

12 MS. STANLEY: To his own opinion?

13 JUDGE ROSAS: I'm going to sustain that.

14 Q BY MS. STANLEY: Will, did you observe any change to the
15 organizing campaign at your store after September 2021?

16 A Yes.

17 Q What did you observe?

18 A I mean, beyond the increased management presence, there
19 was -- I mean, it became impossible to talk about organizing --

20 Q For you --

21 A -- for September -- hmm?

22 Q For you?

23 A Yes. I mean, I wasn't really able to get more than ten
24 feet away from a support manager for 90 percent of the time
25 that I was working.

1 Q Did you make any other observations about the impact
2 Starbucks' response to the campaign had?

3 A Yeah. I mean, the policy changes, the -- the amount that
4 like -- you know, we -- we got this remodel, iss -- you know,
5 issues were fixed very rapidly with all of our maintenance
6 tickets that we had in for months -- like, all of a sudden, it
7 went away.

8 Q Did you observe any impact on your interactions with
9 partners?

10 A Yes. There are -- there are certain partners at my store
11 that will no longer talk to me at all.

12 Q Anything else you can think of?

13 A There was a day that I was working and I was on break --

14 MR. BALSAM: Objection. Nonresponsive.

15 JUDGE ROSAS: Yes or no?

16 A Yes.

17 Q BY MS. STANLEY: What is that?

18 A There is a day that I was working and on my break in the
19 back of house and my coworker Julia Welsh (phonetic throughout)
20 had come up to me with articles that were written, I think, by
21 Buffalo News, talking about the closings of Walden Galleria and
22 Walden Anderson and asking if our organizing meant that our
23 store was going to close.

24 MS. STANLEY: May I have a moment, Your Honor?

25 JUDGE ROSAS: Sure. Off the record.

1 (Off the record at 12:51 p.m.)

2 JUDGE ROSAS: Respondent?

3 MS. STANLEY: General Counsel has nothing further for this
4 witness at this time.

5 JUDGE ROSAS: Charging Party?

6 MR. HAYES: No questions, Your Honor.

7 JUDGE ROSAS: Okay. Let's go off the record.

8 (Off the record at 12:52 p.m.)

9 JUDGE ROSAS: Respondent, cross.

10 MR. BALSAM: Thank you.

11 **CROSS-EXAMINATION**

12 Q BY MR. BALSAM: You testified that you started working for
13 Starbucks in May of 2021, correct?

14 A Yes.

15 Q When your -- when you first started working for Starbucks
16 in May of 2021, were you provided a copy of the partner guide?

17 A I'm not sure if I was provided a copy. I did read through
18 it though.

19 Q You -- you testified that you -- you read through it when
20 you first started working at Starbucks?

21 A Correct.

22 Q Did you signed to acknowledge receipt of the partner guide
23 when you first started working for Starbucks?

24 A Yes.

25 Q And by virtue of signing your acceptance of the -- or



1 receipt of the partner guide that you acknowledged that you
2 were going to comply by all the policies and procedures in the
3 partner guide?

4 A Yes.

5 Q And in fact, at no time from May 2021 to the present, have
6 you ever been disciplined for an infraction violation of that
7 policy or that partner guide, correct?

8 A It would depend on the kind of discipline.

9 Q You've never been -- you never received a -- a writing or
10 a coaching for any policy violations, correct?

11 A I have received coachings.

12 Q What were the coachings for?

13 A For wearing a suicide awareness pin at work.

14 Q And who coached you about wearing a suicide awareness pin
15 at work?

16 A Both Tanner Reese and also Tiffany, I think it's Mann is
17 the last name, the new district manager for my store, as well
18 as the new assistant store manager for my store. I don't know
19 her name. I literally just met her this past Tuesday.

20 Q When were you coached for wearing a suicide awareness pin
21 at work?

22 A Where was I?

23 Q When?

24 A Oh, when. Dating back to, I think, either April or May of
25 this year. At first, I was sent home for multiple days. I was

1 told to not come into work if I was going to be wearing the
2 pin. And then I was told that because I had missed those days,
3 I was told not to come into work. I had the option of either
4 going on a leave of absence, a personal leave, or that I could
5 basically be disciplined for those days that I had been told
6 not to come in.

7 So I chose to take a leave absence, given those options.
8 And I had just recently returned this past Tuesday, where
9 again, I'm reporting to work, wearing a pin, was told to go
10 home. And again, this past Saturday, I was told to -- wearing
11 the pin and was told to go home.

12 Q Mr. Westlake, your wearing of the suicide awareness pin,
13 isn't that a violation, as well as the dress code policy,
14 correct?

15 A I don't know.

16 Q Yes or no?

17 A I don't know.

18 Q Mr. Westlake, you testified that you have received a copy
19 of Starbucks dress code policy, which includes information
20 about pin wear, correct?

21 A Yes.

22 Q And you acknowledge receipt of that policy, correct?

23 A Yes.

24 Q Did you read that policy?

25 A I did.

1 Q And I'll ask you again. By virtue of you wearing that
2 suicide awareness pin, isn't it a violation of Starbucks' pin
3 wearing policy?

4 A I don't know.

5 Q Why is that?

6 A Because my manager never enforced that policy. So it was
7 believed to be allowed.

8 Q Which manager are you referring didn't enforce the policy?

9 A Multiple managers, actually. So David Fiscus, Kelliagh
10 Hanlon, Tanner -- Tanner Reese to a degree. And many of the
11 recent work managers who were in my store.

12 Q But as of at least April or May of 2022, when you were
13 sent home for violating the policy, at least at that point in
14 time, you were aware that it was in fact a violation of policy
15 to wear the suicide awareness pin, correct?

16 MS. STANLEY: I'm going to object to this line of it as,
17 these all happened after the -- any of the events in the
18 complainant.

19 JUDGE ROSAS: Well, I'm going to sustain the objection,
20 based on the -- the answers given. It appears to be evolving
21 into a competing legal arguments from the witness and counsel,
22 as to what -- what it all means to be wearing a pin in
23 conjunction with what we know is written on paper.

24 Q BY MR. BALSAM: Mr. Westlake, you testified that you were
25 involved in your -- the drafting and the signing of the Dear



1 Kevin letter in August of -- 23rd of 2021, correct?

2 A I believe I testified that I had signed it.

3 Q Okay. So you -- in August -- August 23rd, 2021 is when
4 you signed it?

5 A Yes, I believe so, either then or the date before,
6 depending on when the actual Union meeting one versus when it
7 went public. But yeah.

8 Q Okay. And so from August 23rd, 2021, until the time that
9 you're talking about when you were sent home for violation of
10 the pin policy in April, you did not receive any other type of
11 discipline, correct?

12 A Correct.

13 Q And you testified earlier that you were promoted to a
14 barista trainer on August 23rd, 2021, correct?

15 A Correct.

16 Q And when you started working for Starbucks in May of 2021,
17 did you go through any type of training?

18 A I did.

19 Q What training did you receive when you started working in
20 May of 2021?

21 A The barista training.

22 Q Okay. Is there a career progression training that you
23 received in May of 2021?

24 A Yes.

25 Q Did you -- what -- what is the career progression training



1 comprised of?

2 A I couldn't recall exactly. I participated in a lot of
3 different trainings through Starbucks.

4 Q Is there a policy or document that reflects what the
5 career progression training is?

6 A I believe so.

7 Q Do you recall reading that document?

8 A I don't recall reading it, no, specifically.

9 Q You testified that you have applied for a shift supervisor
10 position about a dozen times since you've started working at
11 Starbucks, correct?

12 A I think closer to two dozen.

13 Q Two dozen. Are you aware of a six-month waiting period --

14 A No.

15 Q -- to be eligible to be promoted beyond a -- to be
16 promoted to a position of shift supervisor from the date of
17 your commencement of employment?

18 A No.

19 Q Have you ever applied for a shift supervisor position
20 since January of 2022?

21 A Yes, I believe so.

22 Q When?

23 A In January of 2022.

24 Q Do you recall that date upon which you applied?

25 A No.

1 Q Is that the only time that you made an application for a
2 shift supervisor position role since January of 2022?

3 A Yes.

4 Q Mr. Westlake, in the complaint that was filed by the
5 National Labor Relations Board against Starbucks in this
6 matter, there's an allegation that says, about the date set
7 forth opposite their names, Respondent promoted. I'm sorry.
8 "Respondent refused to allow the employees named below to train
9 new employees." Your name is listed, and then next to it, it
10 says September 2021. Isn't it true that you did in fact train
11 a new partner in December of 2021?

12 A I was assigned that trainee in late August or early
13 September. And then, later that month, I was told that there
14 would be no more trainees coming to the store.

15 Q Right. So I'll repeat my question. Isn't it true that in
16 September of 2021, you did in fact train a new partner?

17 A Yes.

18 Q So the allegation in the complaint is not accurate?

19 MS. STANLEY Objection.

20 JUDGE ROSAS: Sustained.

21 Q BY MR. BALSAM: In the complaint, it says, about the date
22 set forth opposite their names, "Respondent sent home the
23 employees named below prior to the end of their shifts." It
24 has you listed twice. The first one it says, William Westlake,
25 November of 2021. And then, it says, William Westlake,



1 December 23rd, 2021. Isn't it true that on the December 2021
2 example provided in the complaint that was related to a COVID
3 incident?

4 A I don't know.

5 Q But it is true that in November 2021 you were sent home,
6 out of fear that you had COVID, correct?

7 A I was fearing that I had COVID. I -- I'm not sure.

8 Q Well, you did testify that you were sent home in November
9 of 2021 because you had sniffles. And I believe you said you
10 were coughing at work, correct?

11 A I wasn't -- no. What I testified to was that I wasn't
12 sure if I had sniffled or coughed or sneezed, because it was
13 just such a, like, an automative response.

14 Q But the reason that was given to you as to the reason for
15 you being sent home was because of concerns that you had COVID?

16 A Well, no, not exactly. Because what Haley had said was
17 that they were -- they had recently been told, as a shift team,
18 that they needed to be more strict with sending people home for
19 COVID. So it wasn't necessarily a fear of COVID, so much as a
20 fear of being able to enforce policy correctly, I think.

21 Q So I'll ask you again. So when you were sent home in
22 Novem -- by the way, the questions are coming from over here,
23 not from over there, so look at me when you're responding.

24 MS. PHIPPS POLITO: Objection, Your Honor. He's badgering
25 the witness.

1 MR. BALSAM: The witness is looking to the other side.
2 Counsel table over there. And he's responding from there. And
3 I'd request he look at me when he's answering my questions.

4 JUDGE ROSAS: Well, you -- you pointed that out to the
5 Court. So the witness is on notice.

6 MR. BALSAM: Thank you, Your Honor.

7 Q BY MR. BALSAM: So Mr. Westlake, I'll ask you again. So
8 when you were sent home in November 2021, you were told that
9 the reason why you were being sent home was because of COVID,
10 correct?

11 MS. POLITO: Objection. Asked and answered.

12 MR. BALSAM: He didn't answer my question, Your Honor.

13 JUDGE ROSAS: I'll allow it.

14 A Can you repeat the question?

15 Q BY MR. BALSAM: Sure. In November 2021, when you were
16 sent home from work early, you were told that the reason you
17 were being sent home was because of COVID, correct?

18 A Because of the COVID policy.

19 Q Okay. So COVID, relating to COVID? You were sent home --

20 MS. POLITO: Objection. Asked and answered.

21 Q BY MR. BALSAM: -- for reasons relating to COVID, correct?

22 MS. POLITO: Objection. Asked and answered.

23 JUDGE ROSAS: Overruled. Overruled.

24 A Related to COVID policy is what I would say.

25 Q BY MR. BALSAM: Did anyone at that time tell you that you

1 were being sent home because you've exhibited signs of COVID,
2 such that you were going to be sent home, consistent with
3 Starbucks' policy?

4 A I don't know.

5 Q In January 20 -- 2022, how many hours did you work?

6 A I don't know exactly. I think close to zero.

7 Q Why did you work close to zero hours in January of 20 --
8 2022?

9 A Because I had hurt my back at work.

10 Q Were you on a leave of absence in January of 2022?

11 A I was.

12 Q How long were you on a leave of absence for?

13 A I think three months-ish.

14 Q When did your -- did your absence -- your leave of absence
15 commence prior to January 2022?

16 A I don't believe so, no.

17 Q So your recollection said that your -- you started your
18 leave of absence on -- on or about January 1st, 2022?

19 A I think that's right.

20 Q In the complaint, it says about the date set forth
21 opposite their name, "Respondent reduced the work hours of the
22 employees named below." It has your name listed. And then it
23 says January 2022. Based on your testimony that you just
24 described with respect to your medical leave, isn't it true
25 that the reason why you did not work in January 2022 was

1 because of your injury and your subsequent medical leave?

2 A I believe that that testimony is based on the upcoming
3 schedules before I was put on leave. So it's hours that I
4 would've worked.

5 Q Right. But again, Mr. Westlake, and repeat my question,
6 in January 22 -- 20 -- 2022, you were not working for Starbucks
7 because of your medical leave absence, correct?

8 A Correct.

9 Q Mr. Westlake, you testified on direct examination that
10 after December of 2021 there were no support managers in the
11 Camp Road store, correct? Do you recall that testimony?

12 A I recall saying that post-December 2021 that I did not
13 work with any support managers, yes.

14 Q To clarify your testimony on direct, isn't it true that
15 because you were not working at the Camp Road location
16 commencing in January of 2022, you had no idea whether or not
17 there was support manager in the store at that time, correct?

18 A Well, I did say goodbye to a number of support managers
19 before them.

20 Q Right. But my question was, starting January 1st, 2022,
21 because you were not working at the Camp Road location, you
22 would not have any no -- notice or idea as to whether or not
23 there were support managers working during that time period,
24 correct?

25 A Outside of communication with coworkers, no, I don't.



1 Also, I haven't gone into a store since then.

2 Q Right. So you have no personal knowledge, other than the
3 time that you went into the store --

4 A Correct.

5 Q -- post January of 2022, correct?

6 A Correct.

7 Q In the complaint, it says about the case set forth,
8 opposite their names, "Respondent refused to allow the employee
9 named below to work shifts at another store." It says your
10 name William Westlake. And then, it says, "ended December of
11 2021." As you've just established through your testimony, you
12 were not back working an active role at Starbucks post January
13 1st, 2022, because of the medical issue, correct?

14 A Correct.

15 Q So at this point in time, did Res -- did Starbucks refuse
16 to allow you to work another shift in another store, because
17 you weren't on January, correct?

18 A So in December, there were shifts that I had asked to pick
19 up and was refused to be able to pick up.

20 Q But you could not have worked those shifts anyway because
21 of your medical issue, which resulted in your leave of absence,
22 correct?

23 A This was prior to my leave of absence.

24 Q Right. But my question was, you couldn't have worked
25 those shifts anyway because of your medical issue and your

1 leave absence, correct?

2 A This was before my leave of absence.

3 Q Right. And I'll ask the question for a third time.

4 Regardless of whether or not you had requested those shifts
5 previously, you were not able to work those shifts because of
6 your leave absence due to a medical injury, correct?

7 A I think incorrect.

8 Q So if you are on a leave of absence, can you please share
9 and indulge the Court as to how you were able to work those
10 shifts?

11 A Again, there were -- there's a period of time before my
12 leave of absence began that I was refused to be able to work
13 other shifts.

14 Q So Mr. Westlake, as I heard you testify before, you said
15 that effective January 1st, 2022, you were on a medical leave
16 of absence, correct?

17 A I don't know if it was exactly January 1st, but --

18 Q Right.

19 A -- around then, yes.

20 Q Right. So if you were on medical leave of absence around
21 January 1st, 2022, you would not have been able to work any
22 shifts, correct?

23 A Correct, not after that point.

24 Q You testified that the district manager David LeFrois
25 was -- he was at your store every single day after August 23rd,



1 2021, correct?

2 A I didn't testify to almost every single day.

3 Q Okay. But isn't it true that Mr. LeFrois stopped working
4 for Starbucks in early September 2021?

5 A My testimony was also that it was every day from August
6 23rd until his separation from the company.

7 Q Um-hum. Do you know when he separated from the company?

8 A Not the exact date, no.

9 Q Was it early September 2021?

10 A I -- it was around the time, yeah.

11 Q You attended multiple meetings -- you testified attending
12 multiple meetings subsequent to the Union organizing campaign,
13 correct?

14 A Correct.

15 Q And as we've indicated you've recorded some of those
16 meetings, correct?

17 A Correct.

18 Q Are there any meetings that you recorded for which you did
19 not provide copies of those recordings to the National Labor
20 Relations Board or to the Union counsel?

21 A No, I provided all of those recordings.

22 Q Did you provide them with all the recordings of any of
23 meetings you taped with respect to Starbucks post August --

24 A Yes.

25 Q -- 2021? And those meetings that you attended, those



1 meetings were not mandatory, correct?

2 A I'm not sure.

3 Q So Mr. Westlake, you attended a meeting on November 9th,
4 2021, correct?

5 A Yes.

6 Q And MK was present at that meeting?

7 A Correct.

8 Q Do you recall MK specifically saying at that meeting, you
9 were free to leave if you wanted to, that you did not need to
10 stay?

11 A Yes.

12 Q Did you find that at this meeting that was not a mandatory
13 meeting?

14 A So I was told that if I did not attend that meeting, I
15 would have to attend a one-on-one meeting.

16 Q So that meeting -- that meeting itself was not inventoried
17 then, correct?

18 A I had been told leading up to that meeting by my assistant
19 store manager that it was a mandatory meeting. And so given
20 that I was already there, and also that I would have to go to a
21 make-up meeting, if I did not attend that meeting, I didn't --
22 didn't really see the difference.

23 Q Did you receive anything in writing from anyone at
24 Starbucks indicating that any of meetings you attended were, in
25 fact, mandatory?

1 A In writing? I -- I overheard those meetings -- it was
2 indicated that those meetings were mandatory.

3 Q Right. But you received nothing in writing indicating
4 that any of these meetings were in fact mandatory, correct?

5 A I -- if electronic writing doesn't count, then I suppose
6 not, no.

7 Q So the answer is no?

8 A Yes, no.

9 Q And in fact, MK did advise you during that meeting that
10 you attended on November 9th, that it was not a mandatory
11 meeting?

12 A Yes.

13 Q And you were paid for all the meetings in which you
14 attended, correct?

15 A I'm not sure.

16 Q Do you -- do you look at your paychecks regularly?

17 A No.

18 Q Do you have any reason to believe that you were not paid
19 for those meetings in which you attended? Sorry.

20 A I -- I've heard that from others that they didn't get paid
21 for theirs. But --

22 Q I'm asking about you personally, sir.

23 A Yeah. I -- I -- only like the pattern, would I have
24 suspected.

25 Q Okay.



1 A But no.

2 Q Now you testified about meeting with Michael Donovan. Do
3 you recall that testimony?

4 A Yes.

5 Q And if I heard you correct, you testified that you were
6 talking with Mr. Donovan about your failure to be promoted to
7 shift supervisor; is that correct?

8 A Not my failure to be promoted to shift supervisor, but
9 more how to best go about being promoted to shift supervisor.

10 Q Is that the full substance of your discussion with Mr.
11 Donovan?

12 A No.

13 Q What else did you discuss with Mr. Donovan?

14 A The behavior leading up to David Fiscus.

15 Q Okay. What did you tell Mr. Donovan about Mr. Fiscus?

16 A That we had had several conversations that had made me
17 very uncomfortable with him, including a comment he made to me
18 about not trusting bisexual people or believing that bisexual
19 people really exists, which was very concerning to me as a
20 bisexual man.

21 Q Other than your conversation with Mr. Donovan in which you
22 related to him this concern of yours concerning Mr. Fiscus, had
23 you spoken with any other Starbucks manager or other concerns
24 prior to that day?

25 A Prior to that day, no.

1 Q And then you mentioned something about other than at
2 your -- your Camp -- at the Camp Road store filing an ethics
3 complaint?

4 A Correct.

5 Q Were you -- were you involved in that, the filing of that
6 ethics complaint?

7 A No.

8 Q We heard testimony just before with myself and before with
9 counsel from the United Labor Relations Board that you trained
10 one individual in September of 2021. With respect to the
11 barista training, how long is that training?

12 A It's about two weeks.

13 Q And after that two-week period, is a barista fully capable
14 of performing all the roles of their position?

15 A They also need to then certify for their position.

16 Q How does one go about certifying for their position?

17 A They have to run through a certification test with their
18 store manager.

19 Q And the individual that you said you trained in September
20 2021, was that person -- did that person become certified?

21 A I'm not sure. I think so.

22 Q But as we sit here today, you don't know?

23 A I -- I believe they were.

24 Q Are you sure or you don't know?

25 A I don't know.



1 Q Then you test -- your -- you testified that you started
2 working for Starbucks in May of 2021; did you undergo a similar
3 two-week training period?

4 A Yes.

5 Q Were you fully capable of performing the entire role of
6 barista upon your completion of that two-week period?

7 A Yes.

8 Q Do you -- did you -- were you certified, as you testified
9 before, recalling your completion of the two-week period?

10 A Yes. I was kind of fast-tracked because I'd already had a
11 lot of barista experience. So I was done within the two weeks.

12 MR. BALSAM: I have nothing further.

13 JUDGE ROSAS: Redirect?

14 **REDIRECT EXAMINATION**

15 Q BY MS. STANLEY Will, when did you go on your leave of
16 absence?

17 MR. BALSAM: Objection. Asked and answered.

18 JUDGE ROSAS: Hold on. Overruled. It's within the scope
19 of cross.

20 A It was around January of 2022.

21 Q BY MS. STANLEY Prior to going on that leave of absence,
22 were you able to complete and work as a barista?

23 A I was.

24 Q In December of 2021, did you request to pick up shifts?

25 A I did.



1 Q Were those requests approved or denied?

2 A With the exception of the shift I already testified to
3 Sheridan and Bailey, they were denied.

4 Q Would those shifts have to be placed in December 2021?

5 A Yes.

6 Q When did you say goodbye to the support managers at your
7 store?

8 A It would've been right around the end of December.

9 Q Why do you say right around?

10 A Well, for Taylor Pringle, he was flying back to Seattle.
11 With Kelliegh, she was flying back to Boston. With Ana, she
12 was flying back to wherever Ana was from.

13 MS. STANLEY I have nothing further.

14 MR. HAYES: No questions, Your Honor.

15 JUDGE ROSAS: Any follow up?

16 MR. BALSAM: No, Your Honor.

17 JUDGE ROSAS: Thank you, sir. Your testimony is
18 concluded. Do not discuss your testimony with anyone until
19 you're told otherwise, okay?

20 Off the record.

21 (Off the record at 2:27 p.m.)

22 JUDGE ROSAS: Okay?

23 MS. STANLEY Your Honor, I'd like to offer General Counsel
24 Exhibit 103, which is the Respondent's statement of position.
25 And -- one of our case proceedings related to this case. It's

1 a Respondent business record. I asked Respondent if they would
2 be willing to make it a joint exhibit, and they were not, so
3 I'm offering it in this manner.

4 JUDGE ROSAS: Any objection?

5 MS. POLITO: Judge, I would note that it's not a business
6 record. And that I think it's a publicly filed document, with
7 respect to our petitions, so Your Honor can likely take
8 judicial notice. But it's not a business record of Starbucks.

9 JUDGE ROSAS: It's a position statement, they call it.

10 MS. POLITO: Correct.

11 JUDGE ROSAS: I'll receive the General Counsel's 103.

12 **(General Counsel Exhibit Number 103 Received into Evidence)**

13 MS. STANLEY Thank you, Your Honor.

14 (Off the record at 2:29 p.m.)

15 JUDGE ROSAS: Okay. Next witness, General Counsel?

16 MS. STANLEY Yes. Jackie, do we need to wait for --

17 MS. POLITO: No. That's -- we can start.

18 MS. STANLEY Okay. All right. The General Counsel calls
19 Brian Murray.

20 JUDGE ROSAS: Sir, please raise your right hand.

21 Whereupon,

22 **BRIAN MURRAY**

23 having been duly sworn, was called as a witness herein and was
24 examined and testified, telephonically as follows:

25 JUDGE ROSAS: All right. State and spell your name,



1 provide us with an address.

2 THE WITNESS: Sure. My name is Brian Murray, B-R-I-A-N
3 M-U-R-R-A-Y. My address is (b) (6), (b) (7)(C)
4 .

5 **DIRECT EXAMINATION**

6 Q BY MS. STANLEY Hi, Brian.

7 A Hello.

8 Q What are your pronouns?

9 A My pronouns are he/him.

10 Q And who's your current employer?

11 A Currently, I'm employed by Starbucks.

12 Q How long have you worked at Starbucks?

13 A I've worked at Starbucks since May of last year.

14 Q What location do you currently work at?

15 A Currently, I'm at the Gen Street -- Genesee Street
16 location, across from the Buffalo Airport.

17 Q Have you ever had any other home store?

18 A I have. I was at the Lancaster, Regal store on Transit
19 prior to -- well, back in May.

20 Q Does that store have any other name that it's called by?

21 A Sure, Lancaster, Regal or Transit, Regal.

22 Q When did you start at Transit, Regal?

23 A I started at Transit, Regal at the beginning of May 2021.

24 Q And when did you go from Transit, Regal to Genesee?

25 A I believe that it was May of this year during the

1 renovation at Lancaster, Regal.

2 Q What's your current job position?

3 A Currently, I'm a barista.

4 Q Have you been a barista the entire time you've worked for
5 Starbucks?

6 A I have.

7 Q What's your typical work schedule currently?

8 A Currently, it could be anywhere from 5 to 15 hours,
9 mostly -- some will being -- well, some like earlier shifts,
10 mid-shifts mostly, so you know, I'm working like 9 to -- I
11 don't know, like, 6 p.m.

12 Q And is that schedule by choice?

13 A Yeah. I'm happy with my schedule, correct.

14 Q When you worked at Transit, Regal, what was your typical
15 work schedule?

16 A For most of my time at Transit, Regal, my typical work
17 schedule was closing, until February of 2022, in which I was
18 moved to, like, a mid-shift position, so afternoon, early
19 afternoon.

20 Q About how many hours per week were you working?

21 A For most of my time, it was somewhere around 20 to 25, up
22 to, I think, like, 30, 32.

23 Q Did you ever take a leave of absence from Starbucks?

24 A I did. In December -- beginning of December, I took a
25 leave of absence, from the first week of December to first week

1 of January.

2 Q Brian, are you familiar with Workers United?

3 A I am.

4 Q And are you familiar with the Starbucks Workers United
5 organizing committee?

6 A I am.

7 Q How are you familiar with the organizing committee?

8 A I was one of the members of the organizing committee that
9 sent a letter to Kevin Johnson, back in August of last year.

10 Q Did anyone else from your store sign that letter?

11 A Yes. Lee Want, currently going by Rhys, was -- also
12 signed that letter with me.

13 Q And do they still work at Starbucks?

14 A They do.

15 Q What location do they work at?

16 A Currently, they're at the Genesee Street location, along
17 with myself.

18 Q Okay. Anyone else from Transit Regal or Genesee as well?

19 A Kai. One of my coworkers was at Genesee with me from --
20 that came from Transit Regal. They're no longer working at
21 Starbucks.

22 Q At Transit Regal, how did you show support for the Union
23 while at work, if at all?

24 A Yeah. So when we launched our campaign back in August, I
25 wore our union pin every day, the -- the green shaker fist pin.



1 And also, I wore a union shirt every day. So either our green
2 shaker fist logo, or we had a -- another shirt with some back
3 graphics.

4 Q What's the current status of the Union at Transit Regal,
5 as far as you know?

6 A We never filed. Currently, I believe Tom, one of the
7 partners on there, using it as a training center. But I'm not
8 sure if there's any activity there currently.

9 Q Prior to the campaign, who was your district manager?

10 A Dave LeFrois was my district manager.

11 Q And prior to the campaign, did you see him in your store?

12 A Yeah, I would see him in my store occasionally. Sometimes
13 he'd pop in to grab paperwork or to talk to the manager, Jody.
14 But it was -- it was infrequently.

15 Q Did you ever meet him?

16 A I was never introduced.

17 Q After the campaign started, did you see David LeFrois in
18 your store?

19 A I did.

20 Q About how often would you see him?

21 A Yeah. So I would see him about -- like, once we launched
22 the campaign, within that first week, I saw him in my store
23 pretty frequently on his laptop, either doing notes or having
24 meetings with other managers, talking to my manager.

25 Q How long did you continue to see Mr. -- Mr. LeFrois in



1 your store?

2 A I saw Mr. LeFrois probably through the month of September.
3 And I don't recall exactly when he was replaced with Mark.

4 Q What did you observe Mr. LeFrois do while he was in your
5 store, after the campaign started?

6 A Mostly talking to my manager, on his laptop, facing the
7 bar, or in other meetings with managers or other Starbucks --
8 you know, members of Starbucks management.

9 Q Prior to the start of the Union campaign, had you ever met
10 someone from Starbucks above the level of district manager,
11 while at Transit Regal?

12 A I had not.

13 Q What about after the campaign started?

14 A After the campaign started, I met with multiple people
15 about the -- I think it was regional managers in my store, all
16 the way up to Rossann Williams, the vice president or the --
17 the president of Starbucks North America, I believe.

18 Q When did you first meet Rossann Williams?

19 A I met Rossann first in the second week of September.

20 Q Were you at work that day?

21 A I was.

22 Q What were you doing?

23 A I was on DTO, which we call, like, the drive-thru
24 position. That's basically -- I was taking orders and also
25 cashing people out at the window, you know, handing out drinks.

1 Q And how did it come about that you met Rossann?

2 A Yeah. While I was working that position, you know, taking
3 orders and everything, I, you know, noticed that Rossann had
4 walked in. And she called out from across the -- the cafe
5 and -- my -- me by name.

6 Q Did you recognize Rossann when you saw her?

7 A I did.

8 Q How?

9 A There's an active shooter training video that we watched
10 as -- that all employees watch as part of their orientation.
11 That was facilitated by Rossann, so I recognized her through
12 that.

13 Q And what happened after she said your name?

14 A Yeah. Rossann, at that point, I believe, came behind the
15 bar and started to talk with me while I was, you know, doing my
16 position.

17 Q And what did she say?

18 A Rossann was asking me about kind of my experience of
19 Starbucks, how long I had been a partner for --

20 Q Sorry. I'm going to stop you, Brian. There should be a
21 lapel mic in front of you.

22 A Oh.

23 Q Do you see that?

24 A Yeah, I do.

25 Q Can you put that on?



- 1 A Yeah, of course. Sorry about that. Is this better?
- 2 Q Yes.
- 3 A Better? Apologies.
- 4 Q No. I forgot to tell you. Okay. Tell me what Rossann
5 said to you.
- 6 A Yeah. So Rossann came behind the bar, started to ask me
7 how I was, about my experiences working at Starbucks, how long
8 I'd been a partner. Yeah.
- 9 Q And did you respond?
- 10 A I did. You know, I --
- 11 Q What'd you say?
- 12 A I would -- I said, you know, basically, I enjoyed working
13 at Starbucks. I didn't really have too much of an opportunity
14 to really respond back because I was, you know, actively taking
15 orders and passing out drinks. But I believe I ended that
16 conversation asking Rossann to sign the Fair Election
17 Principles, which were a set of guidelines to govern elections,
18 and it goes above kind of like the -- the legal standard.
- 19 Q What did Rossann say?
- 20 A Rossann said something to the effect of, you know, she was
21 learning about unions and would take a look at it.
- 22 Q Were you wearing a union pin that day?
- 23 A I was.
- 24 Q Were you wearing a union T-shirt that day?
- 25 A I was.

1 Q After that visit, did you see Rossann in your store again?

2 A I did.

3 Q About how often did you see her in September of 2021?

4 A Maybe once, twice a week, I would see Rossann in my store.

5 Q What about after September?

6 A After September, about the same -- I'd see her once or
7 twice a week, when I was working my shifts.

8 Q And what did you observe Rossann do while you were --
9 while she was in your store?

10 A Yeah. I would see Rossann by the product shelving, kind
11 of in the back corner of the store, you know, talking to other
12 managers, talking to other -- what I assume were members of
13 Starbucks Partner Resources or HR.

14 Q Why do you assume that?

15 A I asked a couple people just around the campaign about who
16 kind of had what positions, so I was aware there was, like,
17 high-level management.

18 Q What else did you see Rossann doing?

19 A Sweeping the floor occasionally. She may have taken out
20 the trash in my store. And just kind of, you know, flocked
21 around on inspections.

22 Q Did you ever see Rossann outside your store?

23 A I did. I think I saw Rossann a couple times at, you know,
24 other stores, if I was going to meet with union members, hand
25 out pins, show support.

1 Q Did you ever attend any meetings that Rossann was present
2 for?

3 A I did.

4 Q When was the first one?

5 A The first one I attended was September 22nd.

6 Q How did you learn about the September 22nd meeting?

7 A I learned about the September 22nd meeting from a notice
8 posted in the back of house, in the store, where -- yeah -- it
9 basically announced they would have a listening session and
10 that, you know, all partners were encouraged to attend --
11 something to that effect.

12 Q Did you go to that meeting?

13 A I did.

14 Q And did you see Rossann there?

15 A I did.

16 Q Did you talk to her in advance of the meeting?

17 A Yes.

18 Q Why?

19 A I wanted to talk to Rossann about the campaign and leave
20 the door open for the -- if the -- if the Union did win, that,
21 you know, it would have a good relationship with Starbucks or
22 be able to move forward.

23 Q What time did you arrive at the store?

24 A I arrived about half an hour before the meeting.

25 Q And where did you speak to Rossann?



1 A I spoke to Rossann at caf -- or at one of the tables in
2 the cafe, right by the cold bar of my store.

3 Q Was anyone else present for that conversation?

4 A Yes. Deanna, who -- Deanna -- don't know their last
5 name -- was present. She was, at that point, like, a regional
6 manager.

7 Q And what happened during your conversation with Rossann?

8 A Yeah. Like I said, I, you know, asked Rossann about, you
9 know, once again signing the Fair Election Principles, I
10 believe, and about, you know, kind of like the tone of the
11 campaign that I'd like to see. You know, I understood that,
12 like -- I think I said something to the effect of, like, I
13 understand no company wants a union. But you know, we can
14 still, you know, respect -- I don't know -- like, the humanity
15 or something of, like, all people involved.

16 Q Did Rossann respond?

17 A Yes.

18 Q What'd she say?

19 A I -- I mean, she said she agreed with that sentiment and
20 said also that, you know -- I think kind of reiterated that she
21 was still learning about unions, and she'd take a -- a look at
22 the Fair Election Principles.

23 Q Did she say anything else?

24 A After that, she asked me about kind of my -- once again
25 about, like, my experience at Starbucks, kind of what hadn't

1 been working and issues that had been coming up.

2 Q And did you say anything?

3 A Yeah. I mentioned that we'd been out of syrups pretty
4 frequently since I'd started in May. One of the one -- like,
5 there'd been syrups that we, like, make our coffees with that I
6 hadn't seen in stock at all, which were standard. So I think
7 that was the only thing I kind of offered up as, you know,
8 something that had been, you know, making it difficult.

9 Q Did Deanna say anything during the meeting?

10 A To my recollection, she only introduced herself at the
11 beginning.

12 Q How long did your conversation with Rossann last?

13 A It was maybe 10 or 15 minutes.

14 Q And what happened after that conversation?

15 A After that conversation, Rossann left the meeting to go to
16 another union -- or listening session, she told me.

17 Q And did Deanna leave?

18 A No.

19 Q What happened?

20 A Deanna stayed to facilitate the meeting.

21 Q Who else from management was there for the meeting?

22 A Besides Deanna, there may have been one or two other
23 support managers present. Also, my assistant store manager at
24 the time, Tanner, was present at that meeting also.

25 Q Do you know Tanner's last name?

1 A I can find out. I don't off the top of my head.

2 Q How many partners were there for that September 22nd
3 meeting?

4 A There were something like 17 or 18 partners. I think my
5 store was about -- out of, like, 21 that were working at my
6 store -- or 22 at the time.

7 Q Was your store open or closed during the meeting?

8 A It was closed.

9 Q How do you know that?

10 A When I came to the store about half an hour before the
11 meeting, people were kind of closing down the store, putting
12 cones in the drive-thru -- drive-thru lane.

13 Q What happened during the meeting?

14 A During the meeting, we began with a round of
15 introductions. Everyone introduced themselves and we did a
16 coffee tasting. And then Deanna facilitated a conversation
17 about our experience at Starbucks, you know, what's -- what we
18 like about Starbucks, what hasn't been working.

19 And then, after that portion, which -- yeah, after that
20 portion, Deanna began to talk about the -- the campaign sort of
21 ongoing with, you know, Workers United, and how they're still
22 learning about what unions are, about, I think at that point,
23 Starbucks' attempt to have, like, a district-wide election of
24 all stores, so all partners' voices could be heard.

25 Q Did any partners raise any concerns during the meeting?



1 A Yeah. I think, at that point and -- yeah, at that point,
2 the issue of, like, mobile orders and customizations of drinks
3 were talked about a lot to -- had been an ongoing issue at our
4 store, where, you know, you would get multiple mobile orders,
5 and just due to the level of, like, customization, it'd be
6 difficult to make. So people talked a lot about that. Maybe a
7 little bit about, like, short staffing. And yeah, those
8 were -- those were the major concerns, along with, you know,
9 being out of products.

10 Q Did Deanna respond to those concerns in that meeting?

11 A Yeah. I think Deanna said -- she talked about how, you
12 know, this isn't the partner experience we want y'all to have,
13 that essentially, you know, this is -- you know, Starbucks has,
14 like -- something to the effect of, like, Starbucks has let
15 down the partners in Buffalo, and that, you know, now we're
16 here to fix it. We're going to make sure that you have the
17 right experience, and you know, it's -- because this isn't what
18 it's supposed to be.

19 Q Did you speak up at all during that meeting?

20 A I did.

21 Q What did you say?

22 A In the section where we talked about, like, the Union
23 campaign, I talked about how I didn't believe that, you know,
24 the -- there would be a district-wide election, due to the fact
25 that, you know, from my understanding of labor law, that a

1 single store unit was appropriate for, you know, an election;
2 that this more so was an attempt to potentially stall the
3 elections; and that each store should have the decision
4 themselves if they want to file for an election or not.

5 Q Did you say anything else?

6 A Not to my reco -- I mean, I'm sure I did, but I can't
7 recall currently.

8 Q Prior to that meeting, in your time at Starbucks, had you
9 ever attended a storewide meeting?

10 A I had not.

11 Q Did you ever attend any meeting that your store was closed
12 early for?

13 A No.

14 Q When was the next meeting you attended?

15 A The next meeting I attended was somewhere around, like,
16 September 28th or 29th.

17 Q And how did you learn about that meeting?

18 A That meeting, like the first -- I believe there was
19 postings in the back of my store. And also, my manager may
20 have informed us about it also.

21 Q Who was your manager at that time?

22 A Jody Keller.

23 Q What time of day was the late September meeting?

24 A The late September meeting, I believe, was later. It was,
25 like, 6 p.m. maybe.



- 1 Q Were you working that day?
- 2 A Yes.
- 3 Q Was the meeting held at your store?
- 4 A It was.
- 5 Q Was your store open or closed during the meeting?
- 6 A It was closed during the meeting.
- 7 Q Did it reopen afterward?
- 8 A I believe so.
- 9 Q How many partners attended that meeting?
- 10 A Similar to the first, I think we had the majority of our
11 store -- maybe, you know, 17 to 19 partners present at that
12 meeting.
- 13 Q Who from Starbucks corporate was there?
- 14 A There was Chris from Partner Resources. I'm not sure
15 about his last name. There was Adam, who was, I believe, a
16 district manager from Washington, D.C. And there was also
17 Mark, who was the new district manager, replacing David
18 LeFrois, for my store.
- 19 Q And what happened during that meeting?
- 20 A Similar to the first meeting, we did, you know, a round of
21 introductions. I think we might have done, like, an icebreaker
22 and a coffee tasting.
- 23 Q Okay.
- 24 A And --
- 25 Q And then what happened?

1 A And then, after that point, Chris from Partner Resources
2 started talking about, you know, the -- the current Union
3 campaign and his -- I guess, as a manager, his past experience
4 with unions in, like, licensed stores and other -- yeah, other,
5 like, I guess, areas of management.

6 He talked about how, in union stores that he had worked in
7 or union, like -- I don't know -- yeah, union Starbucks,
8 potentially, that, you know, management was not allowed to walk
9 behind the bar or help; that, you know, dues could be really
10 high. Talked about -- a little bit about, like, how Workers
11 United was affiliated with SEIU. And it -- this was about,
12 like, 40 minutes, kind of going through what -- I guess, like,
13 Starbucks' perspective on unions and why we didn't need a
14 union.

15 Q Did Mark say anything during this meeting?

16 A To my recollection, at that meeting, Mark at least didn't
17 comment on the Union. Just talking about how we're partners,
18 that he's here to help, like, this is how we show up for show
19 up for each other. And talked about, like -- again, like, how,
20 like, I believe that they're, like, still learning about unions
21 and this campaign, but you know, I think emphasized, you know,
22 creating the partner experience for us, since it hasn't been
23 present.

24 Q And what about Adam? Did he speak during the meeting?

25 A Yeah. Adam talked about how he was in a band, talked

1 about -- in regards to, like, the Union, I think he talked
2 about that, like, you know, Starbucks doesn't need a union.
3 I -- I believe -- yeah, and -- and that, like, you know, we can
4 do this together as partners. This is partners for partners,
5 not work -- Starbucks Workers United.

6 Q Did you speak up at that meeting?

7 A I did.

8 Q What did you say?

9 A I think -- yeah, during Chris' talk on unions, I would try
10 to, you know, present counterpoints to what he was saying. So
11 I would, you know -- and one point I remember that I responded
12 to was -- he was talking about SEIU or Workers United being
13 part of SEIU. And I asked him how that was relevant to our
14 decision at -- you know, forming a union at Starbucks. And he
15 cut me off and said that, you know, there'd be time to speak at
16 the end.

17 Q Was there time to speak at the end?

18 A There was not.

19 Q Did any other partners speak during that meeting?

20 A Yeah. Kai, my -- one of my coworkers, who was also a
21 member of our store's organizing committee -- they spoke up
22 also in the meeting. And a couple other workers spoke up about
23 their concerns with the Union.

24 Q Aside from Rossann, did you observe any other Starbucks
25 managers in your cafe in -- or your store in September 2021?



1 A I believe so, yes. Rossann would come in with multiple
2 people and -- who I was not familiar with. I don't remember
3 specific people who were with her, but yeah, they're, I
4 assumed, from Starbucks management.

5 Q Did you -- did they ever introduce themselves to you?

6 A Potentially, yeah, occasionally.

7 Q Do you remember any of them?

8 A I don't. Not off the top of my head in September.

9 Q Were you ever -- was your store ever assigned a support
10 manager?

11 A Yes, it was.

12 Q Who was that person?

13 A In November, we were assigned Kelly. She was from
14 Colorado. I can't recall her first (sic) name.

15 Q How long did Kelly stay at your store?

16 A From the beginning of November, up until late December.

17 Q And were there any other support managers assigned to your
18 store?

19 A I believe so, yes. We had Louis from Chicago, who
20 frequently in, I think, like, late September, mid-September,
21 into, like, October, potentially -- he would pick up shifts at
22 my store, and -- along with a couple other support managers
23 that would come in when we were, you know, short-staffed, or
24 someone would call out.

25 Q When Louis was working at your store, about how often



1 would you see him?

2 A When I worked shifts with Louis, it was pretty frequently.
3 It was, like, every other shift I would have on with Louis, if
4 not, you know, almost everyone.

5 Q And what about Kelly?

6 A Kelly I worked with pretty frequently also, during my
7 closing shifts in November.

8 Q What did you observe Kelly do in your store?

9 A Kelly would either -- would work behind the bar on, like,
10 drive-thru or warming. Kelly, you know, kind of like assisted
11 in close positions. Often, also, after Kelly's, you know,
12 shift was done, she would, you know, sit in the cafe on her
13 laptop, doing work.

14 Q And prior to the start of the campaign, how often would
15 you work alongside your store manager?

16 A Infrequently. I would work occasionally -- on weekends
17 usually would be the only times I'd work when we were really
18 short-staffed, and we had, you know -- we were operating at
19 peak or, like, really high demand at our store. My manager
20 would work maybe an hour or two to fill that gap until someone
21 else came in.

22 Q What about after the campaign began?

23 A It was pretty frequent. Most of my shifts in September
24 and October were with managers or support managers.

25 Q Did the number of people working at your store change



1 after the campaign began?

2 A Yes. In November, we hired on new workers -- you know,
3 four or five.

4 Q Brian, to your knowledge, were any of the issues raised in
5 those September meetings you talked about ever addressed?

6 A Yeah. The syrups I mentioned to Rossann -- they were, I
7 think within a week or two -- restocked. We had -- like,
8 cinnamon dulce, which I hadn't seen my whole time working at
9 Starbucks, was -- was back in the store, which was, you know,
10 memorable because I hadn't ever seen that syrup before, and it
11 was asked for a lot.

12 Q Anything else?

13 A Yeah. I think some other products from the product mix
14 were, you know, restocked -- we -- stuff we'd been out of.
15 And -- yeah. Yeah. It was mostly that.

16 Q What about any other issues?

17 A Yeah. I mean, you know, with the short staffing, you
18 know, we had the support managers in the stores working
19 alongside us, so that issue was addressed. And also, mobile
20 orders for the first time were able to be turned off, something
21 I hadn't seen since -- you know, for the four or five months
22 I'd been working, before the campaign launched.

23 Q How do you know that you guys were allowed to turn off the
24 mobile orders?

25 MS. POLITO: Objection. That --



1 JUDGE ROSAS: What's the basis?

2 MS. POLITO: That's not what he testified to.

3 JUDGE ROSAS: Rephrase.

4 Q BY MS. STANLEY: What difference did you notice with
5 mobile orders?

6 A Yeah. In mid-September, we -- when we were really
7 struggling at peak, when we were short-staffed, the mobile
8 orders -- our manager would be able to request from, at that
9 point, David, I believe, to turn off -- if they could turn --
10 he could turn off the mobile orders. And yeah, that was
11 something -- yeah -- definitely I hadn't seen before.

12 Q Did that ever change again?

13 A After -- yeah, around January, it was less frequent, but
14 it was much -- it was pretty frequent that we'd be able to turn
15 off mobile orders in September and October.

16 Q Does Starbucks have a time and attendance policy?

17 A They do.

18 Q How do you know that?

19 A We may have talked -- I'm sure we talked about it in my
20 orientation, when I first was hired. And also in October, I
21 believe -- end of October, I was asked to sign a form kind of
22 like going over the time and attendance policy, by my manager
23 Jody.

24 Q And where were you when your manager asked you to sign
25 that form?

1 A Yeah. I was working behind the bar. I don't remember
2 what position. And my -- one of the shifts came up to me and
3 asked if I could go speak to Jody and Tanner in the lobby.

4 Q And did you do that?

5 A Yes.

6 Q And what happened?

7 A I sat down with Jody and Tanner. They said that, you
8 know, we're having all partners sign this form. It's just
9 acknowledging that -- you know, the standard at Starbucks and
10 that, you know, this is -- they wanted me to sign this to
11 acknowledge this is the expectation.

12 Q And did you sign the form?

13 A I did.

14 Q Prior to being asked to sign the policy, had you ever been
15 disciplined for a time and attendance issue?

16 A I had not.

17 Q Are you familiar with Lexi Rizzo?

18 A I am.

19 Q How do you know Lexi?

20 A Lexi, along with myself, was one of the members of the
21 organizing committee that came together and released that
22 letter in August, so I knew Lexi from that.

23 Q Do you know what store she was working at --

24 A Yeah.

25 Q -- in the fall?



1 A The Genesee Street location.

2 Q How do you know that?

3 A I would go visit Lexi at the Genesee Street location. I
4 think we talked about which store we were all from when we had
5 our organizing committee meetings.

6 Q Do you recall any specific occasions when you went to
7 Genesee while Lexi was working?

8 MS. POLITO: I'm going to object, Your Honor. Ms. Rizzo's
9 already testified in this courtroom, and the rest of it is
10 hearsay.

11 JUDGE ROSAS: Hold on one second.

12 Repeat the question.

13 Q BY MS. STANLEY: Do you recall any specific occasions when
14 you went to Genesee store when Lexi was working?

15 JUDGE ROSAS: And your objection is --

16 MS. POLITO: Ms. Rizzo's already testified. There's no
17 relevance. And if he's going to talk about what Ms. Rizzo says
18 to him, then it's hearsay.

19 JUDGE ROSAS: Well, hold on one second.

20 What time frame, Counsel, are you going to be getting
21 into?

22 MS. STANLEY: Yes. We're talking about October.

23 I'll also note that he's not going to talk about what Lexi
24 said, so.

25 JUDGE ROSAS: It -- was it just as to potential hearsay?



1 It was -- it was also another -- asked --

2 MS. POLITO: And relevance, Judge.

3 JUDGE ROSAS: Hold on.

4 Well, let's see where it goes. Overruled.

5 You can answer. Do you recall the question?

6 THE WITNESS: Yes. It was, do I remember a specific time
7 when I met with Lexi Rizzo at the Genesee Street location or
8 saw her there?

9 Q BY MS. STANLEY: Yeah.

10 A Okay. Yeah. In mid-October, I went into the Genesee
11 Street location to show support. I said hi to Lexi behind the
12 bar, asked her, you know, how everything was going.

13 Q And were you working at the time?

14 A I was not.

15 Q You --

16 A I came as a customer.

17 Q Okay. And what happened?

18 A And I think right be -- when we started to talk to each
19 other, Lexi's manager or a support manager came up and said,
20 you know, you need to get back to work, and cut off the
21 conversation.

22 Q Brian, are you familiar with Danka Dragic?

23 A I am.

24 Q How do you know Danka?

25 A I know Danka from the -- well, from the organizing



1 committee. I don't recall if Danka was one of the original
2 members that signed, but was a member of her organizing
3 committee at the Genesee Street location. And I would see her
4 at the store. Lexi would talk about working with Danka.

5 Q Have you ever been to the Genesee Street store while Danka
6 was working?

7 A I have.

8 Q Do you recall any specific occasion?

9 A I do. This is, I believe -- well, in November, I went
10 into the Genesee Street location to drop off our union
11 magazines we had made, talking about partners, how our partners
12 are organizing, since they were just printed out.

13 Q Who did you give them to?

14 A I gave them to Danka.

15 Q Were you working at the time?

16 A No, I was not.

17 Q Brian, did you attend any meetings other than the
18 September 2021 meetings you talked about?

19 A I attended one more listening session that was in the
20 beginning of October.

21 Q Where was that session held?

22 A That was held at a Marriott right next to the Genesee
23 Street location -- the Starbucks store.

24 Q How did you learn about that October meeting?

25 A I believe I was told by my manager about it. Since we

1 were given times to attend, since we're attending -- we
2 attended it in groups.

3 Q What time was the meeting you attended?

4 A I believe the meeting I attended was 6 p.m.

5 Q How many partners were at the meeting besides you?

6 A Including myself, there were five partners from my store.

7 Q Was your store open during that meeting?

8 A No, it was closed.

9 Q How do you know that?

10 A Since we had staggered meetings with, you know, five, six
11 partners in each meeting, the store wasn't able to be staffed.
12 And we were told that, if we were working that day, I believe,
13 to get paid for that shift, we would have to attend the
14 meeting.

15 Q And were you paid to attend the meeting?

16 A Yes.

17 Q Who from corporate was present at this meeting?

18 A Mark, the district manager. I believe Melanie Joy. And
19 there was one other person present, and I don't recall their
20 name.

21 Q How long did the meeting last?

22 A It lasted about half an hour that I was present for.

23 Q And what happened during that meeting?

24 A Yeah, during that meeting there was a slideshow that
25 was -- that one of the managers or one of -- someone, it was

1 either Melanie or another manager, I can't recall offhand --
2 facilitated, talking about, you know, workers united. I guess
3 like the structure of Workers United, Workers Union
4 constitution, and dues, other stuff. Talking about, you know,
5 you have the Union and conc -- raising concerns over, you know,
6 Workers United's, I don't know, like, credibility.

7 Q Did you speak up in that meeting?

8 A I did.

9 Q What did you say?

10 A During one of the first few slides, I challenged the --
11 there was excerpts from Workers United's constitution and I
12 asked Mark, since the presentation was presented as, you know,
13 these are facts about unions. I asked Mark, well, like these
14 aren't facts, these are perspectives. And that kind of put
15 challenge throughout, you know, assertions that were made in a
16 slide show about, you know, Workers United.

17 There was specifically like the -- you know, you could go
18 to union trial, there was a talk about, like, how members can
19 be -- there's, like, an internal process that members can be
20 held to to be fined if they violate some rules. So I challenge
21 that -- that as, you know, I never heard of that. It didn't
22 sound like a process that had been used.

23 Q Was there any response when you made those comments?

24 A Yeah, when I was talking about the assertion that, you
25 know, the slideshow in the meeting was about facts about

1 unions. Mark responded that, you know, well, that's your
2 perspective. And I -- yeah.

3 Q Did you respond to him?

4 A I did.

5 Q That did you say?

6 A I asked Mark if -- you know, are we talking about facts or
7 perspectives, because, you know, this is -- you're clearly
8 presenting a perspective on unions and I'm trying to share
9 mine. But you know, you're asserting this as -- as facts,
10 which doesn't seem credible.

11 Q What did he say?

12 A I think he reiterated it being valid perspectives and
13 that, you know, we're just here to -- to share information.

14 Q Was Transit Regal ever remodeled prior to 2022?

15 A Since the end of October, we were remodeled for about a
16 week.

17 Q About of what year?

18 A 2021.

19 Q How did you learn about that remodel?

20 A I think a week or two prior we were told that, you know,
21 we had the option to pick up shifts somewhere -- at another
22 store or to, you know, take time off. That was how we were
23 told to kind of -- about it to prepare for that.

24 Q Who told you that?

25 A I believe my manager.



- 1 Q Say that again?
- 2 A I believe my manager.
- 3 Q And about how long was your store closed?
- 4 A About five days.
- 5 Q Did you return to work at the store after that remodel?
- 6 A I did.
- 7 Q What did you observe that had changed?
- 8 A I observed that next to the espresso machines there was
9 new water sprayers to kind of, like, clean out steaming cups
10 and shaker lids and cups. The -- the cold bar, there was
11 shelving added. And maybe the bar was like moved out a little
12 bit farther, so there was a little bit more room. And I think
13 there was like bug zappers put out in -- right by the drive
14 thru and maybe the back.
- 15 Q At the time that the remodel took place in October of
16 2021, were you aware of any other planned changes to the store?
- 17 A Yeah. When I was hired on, I think within that first
18 month or two, I was told about a remodel in January --
- 19 Q Of what --
- 20 A -- 2022.
- 21 Q Okay.
- 22 A Yeah.
- 23 Q And did that remodel that you heard about when you first
24 started ever take place?
- 25 A It did, in May of 2022, I believe.

1 Q Brian, you talk about the time and attendance policy; were
2 you ever asked to sign any other policies in the fall of 2021?

3 A I was.

4 Q Which one?

5 A It was the dress code policy.

6 Q When were you asked to sign that?

7 A I was asked to sign that at, I think, the end of October,
8 first week of November.

9 Q And who asked you to sign that policy?

10 A That was Jody and I believe, Tanner, the assistant store
11 manager.

12 Q What happened?

13 A So similar to the time and attendance policy, I was asked
14 by my shift to come off the floor to have a conversation Jody
15 and Tanner. And we sat down, they presented the policy to me.
16 And similar to the first time, said that, you know, we're just
17 trying to, you know, reset standard, bringing the store up to
18 standard and you know, we need you to sign this.

19 Q Did you sign it?

20 A I did not.

21 Q What did you say?

22 A I said that I, you know, believed that it was a violation
23 of, you know, federal labor law. And that it was, you know,
24 targeted towards the -- the Union shirt I've been wearing that
25 throughout September and October. And you know, yeah.

1 Q And what did -- what was the response to that?

2 A I think Jody's response was that, you know, they'll have
3 to talk to Mark, the district manager, about, you know, the
4 policy. What, kind of like, next steps were. Yeah.

5 Q Did you ever talk to any other manager about the dress
6 code policy?

7 A I did. I talked to Mark, the district manager at that
8 time.

9 Q When was that?

10 A That was in -- sometime in November, maybe less than a
11 week after I said that, you know, I wasn't going to sign the
12 policy.

13 Q Where did you talk to Mark?

14 A It was in the back of the house when I was washing dishes.

15 Q What happened?

16 A So I was -- yeah, in the back of the house washing dishes.
17 Mark came into the store and came back and came up to me and
18 said that, you know, he had heard that I had questions about
19 the dress code policy. And I said to Mark that, you know, I
20 was going to continue to wear the shirt, that I believed that,
21 you know, it was protected to -- to wear the shirt. And Mark,
22 you know, said that, well, you know, this isn't targeted
23 towards the Union. This is, you know, just Starbucks bringing
24 everything up to standard; and that, you know, this is the
25 expectation for everyone.

1 Q Prior to the campaign, had you ever worn shirts with the
2 designs on them?

3 A I had.

4 Q What kind of shirts?

5 A Mostly band T-Shirts. I own a lot of band T-Shirt, so you
6 know, I'd wear those pretty frequently. If not like, every
7 shift.

8 Q Were you ever disciplined for wearing those shirts?

9 A I was not.

10 Q Do you -- did you ever observe any other coworkers wearing
11 shirts that would not comply with dress code?

12 A Yes, I did.

13 Q Can you give me an example?

14 A Sure. One of my coworkers, Anna Miller (phonetic), she
15 would frequently wear, like, a Scooby Doo, just like a long
16 sleeved T-Shirt, had like a mystery machine on the back. We
17 made -- I remember that because we made, like, a lot jokes
18 about, you know, Scooby Doo.

19 Q Did you ever see any coworkers being disciplined for
20 wearing those kind of shirts?

21 MS. POLITO: Objection.

22 JUDGE ROSAS: What's the basis?

23 MS. POLITO: Witness doesn't have personal knowledge.

24 JUDGE ROSAS: Well --

25 MS. STANLEY: I asked him what he saw.



1 JUDGE ROSAS: -- let's --

2 MS. POLITO: Well, he wouldn't see it.

3 JUDGE ROSAS: Well, you know, I'll allow statements from
4 management supervisors, 801(b)(2).

5 Q BY MS. STANLEY: Did you ever hear any manager or
6 supervisor say anything about any employees being in the dress
7 code prior to the campaign?

8 A I did not, no.

9 Q How often did you wear your union shirt after the campaign
10 started?

11 A I wore it every day. I made a point to wear it.

12 Q Prior to November 2021, were you ever told not to wear it?

13 A I had not been.

14 Q What happened after the conversation you had with Mark?

15 A After the conversation I had with Mark, around like, the
16 10th or 11th of November, I got sick with a cold and had to
17 call out two days in a row.

18 Q Who did you speak to when you called?

19 A I spoke to Tanner, the store manager when I called out the
20 second day.

21 Q And what did you tell him on that day?

22 A On that day I, you know, apologize for not -- feeling
23 pretty ill. I said that, yeah, I -- I wouldn't be able to
24 work.

25 Q What was his response?



1 A His response was, that's fine. You know, I don't know,
2 something along that -- those lines.

3 Q Was that the end of that conversation?

4 A It was.

5 Q Did you have a further conversation with Tanner?

6 A Yeah, Tanner, maybe like an hour and a half after I had
7 called out, called me back, saying that I was being placed on a
8 COVID leave of absence for ten days.

9 Q Did he say why?

10 A He said that, you know, since I had called out for two
11 days, it was necessary that, like, I be put on a COVID leave of
12 absence.

13 Q Did he say why he hadn't mentioned that in your first
14 conversation?

15 A He mentioned that he had talked to Mark, or mentioned it
16 to Mark that, you know, I called out today. And Mark
17 recommended that I go on a COVID LOA, or leave of absence.

18 Q What happened next?

19 A You know, next -- in that conversation, I did ask if a
20 negative test would be enough for me to, you know, return to
21 work when I was feeling better. I was told that, you know,
22 that wouldn't be and I would need to take the full 10-day COVID
23 LOA.

24 Q Did you take the full 10 days?

25 A I did.

1 Q And did you ever return to work?

2 A I did. I returned around the 22, I believe, of November.

3 Q What happened that day?

4 A That day I came into work wearing a union shirt, and
5 punched in. And you know, my manager Jody said to me that, you
6 know -- she said something about like, you know, you know we're
7 going to have to have a conversation now. So we went outside
8 of the store, on the patio, and discussed, you know, the dress
9 code policy and just about, like, you know, potential next
10 steps.

11 Q What did she say during that conversation?

12 A Yeah, during that conversation, she said, you know, she
13 had talked to Mark and that they have to enforce the policy.
14 You know, Jody talked about how she, like, you know,
15 appreciated how I've been respectful of -- of her during the
16 process and knew that I was, like, really tense with, you know,
17 the whole situation right now, and the changes. And mentioned
18 that she's not sure of next steps, but you know, that I should
19 be aware that, like, there's going to be follow up on this.

20 Q Did you work your shift that day?

21 A I did not. I got sent home.

22 Q Who sent you home?

23 A Jody, my manager.

24 Q And so were you scheduled to work after that day?

25 A I was. I was scheduled to work the next day.



1 Q And what happened that day?

2 A The next day I was also sent home.

3 Q Did you go to work that day?

4 A I did. Yeah. So I went to work that day, once again wore
5 the Union T-Shirt. And was then -- you know, when it was seen
6 by, I believe, Tanner, my assistant store manager, I was told
7 that I need to go home.

8 Q Did you do that?

9 A I did.

10 Q Were you scheduled to work after that?

11 A I was. I was scheduled to work the next day. I think
12 that was the 25th. Yeah.

13 Q Did you work that day?

14 A I -- no, I did not. Well, 25th, yes, I did.

15 Q Okay. What happened that day?

16 A So that day I went in wearing just a black plain T-Shirt.
17 And you know, talked to Mark and Jody when I came to the store.

18 Q When you came to the store, who was there?

19 A Yeah. So for management, Mark and Jody were present,
20 sitting at table by the door.

21 Q And what happened when you came in?

22 A When I came in, I went up to Tanner and said something to
23 the effect of like, you know, I'm going to give you the gift of
24 my continued employment at Starbucks that, you know, like, I'm
25 about to call on him to stop enforcing the dress code, because

1 at that point it'd been pretty negatively impacting other
2 workers in the store, and I'm hoping you would back off of, you
3 know, strict enforcement.

4 MS. POLITO: I'm going to ask that the portion of his
5 answer be stricken about impacting others in the store because
6 he has no personal knowledge of that.

7 JUDGE ROSAS: Sustain that portion.

8 Q What specifically did you say in that conversation?

9 A Yes, specifically what I said was -- specifically what I
10 said was, you know, in the spirit of Thanksgiving, you know,
11 going to keep to the dress code. And that I called on Mark to
12 stop impacting -- or enforcing the dress code in a way that
13 was, I believed, harming other workers.

14 Q Did you -- is that -- those are the words you said?

15 A To the -- that was the effect of like what I said.

16 Q What was his response?

17 A His response was that he's happy I was a dress code, that,
18 you know, the dress code was not being enforced in a way to,
19 you know, harm the workers. That was just about enforcing
20 standard.

21 Q What else happened that day?

22 A I was also handed a written write up for my violation of
23 the dress code.

24 Q Take a look at the document in front of you with -- and I
25 can flip it over, it's marked General Counsel Exhibit 102.

1 Brian, do you recognize this document?

2 A I do.

3 Q What is this?

4 A This is a corrective action form I received on the 25th
5 from, I believe, Mark.

6 Q And is this a true and accurate copy of that document?

7 A It is.

8 Q Who took this picture?

9 A I did.

10 Q And what do you do with it after you took it?

11 A The picture?

12 Q Yeah.

13 A I think I sent it -- this is -- might have been the one I
14 sent to -- oh, this is the one I sent to you today. I also
15 sent a copy to Tom from NLRB.

16 MS. STANLEY: I offer GC-102.

17 MS. POLITO: No objection.

18 JUDGE ROSAS: General Counsel's 102 is received.

19 **(General Counsel Exhibit Number 102 Received into Evidence)**

20 MS. STANLEY: I have nothing further for this witness at
21 this time.

22 JUDGE ROSAS: Charging party?

23 MR. HAYES: No questions.

24 JUDGE ROSAS: Any Jencks?

25 MS. STANLEY: Oh, yes.



1 JUDGE ROSAS: Off the record.

2 (Off the record at 3:17 p.m.)

3 JUDGE ROSAS: Cross-examination?

4 MS. POLITO: We have no questions for this witness, Judge.

5 JUDGE ROSAS: Okay.

6 MS. STANLEY: All right.

7 JUDGE ROSAS: Thank you, sir. Your testimony is
8 concluded --

9 THE WITNESS: Thank you.

10 JUDGE ROSAS: -- for the day. Don't discuss your
11 testimony with anyone until you're advised otherwise by
12 counsel, okay?

13 THE WITNESS: Thank you, Your Honor.

14 JUDGE ROSAS: Have a good day.

15 JUDGE ROSAS: Off the record.

16 (Off the record at 3:43 p.m.)

17 JUDGE ROSAS: On the record. Next witness?

18 MS. STANLEY: The General Counsel calls Sydney Jameson-
19 Blowers.

20 JUDGE ROSAS: Raise your right hand.

21 Whereupon,

22 **SYDNEY JAMESON-BLOWERS**

23 having been duly sworn, was called as a witness herein and was
24 examined and testified as follows:

25 JUDGE ROSAS: All right. State and spell your name,



1 provide us with an address.

2 THE WITNESS: Sydney Jameson-Blowers, S-Y-D-N-E-Y,

3 Jameson, J-A-M-E-S-O-N hyphen B-L-O-W-E-R-S. My address is (b) (6), (b) (7)(C)

4 (b) (6), (b) (7)(C) .

5 DIRECT EXAMINATION

6 Q BY MS. STANLEY: Hi, Sydney.

7 A Hello.

8 Q What are your pronouns?

9 A She/her.

10 Q And where do you work?

11 A I work at the Starbucks on Transit and French.

12 Q How long have you worked for Starbucks?

13 A I worked for Starbucks for just over two years now.

14 Q Have you worked at the same store the whole time?

15 A No. I started at a store in Saratoga Springs, New York
16 and I transferred here in August of 2020.

17 Q What's your current position?

18 A I'm currently a shift supervisor.

19 Q Ever -- have you ever held any other position at
20 Starbucks?

21 A When I started, I was a barista.

22 Q When did you get promoted to shift supervisor?

23 A About a year ago.

24 Q What are your job duties?

25 A I --



1 MR. BALSAM: Objection, cumulative.

2 MS. STANLEY: I'm sorry.

3 Q Sydney, do you have a nickname at your store?

4 A Yeah, they call me squid.

5 Q Okay. Are you familiar with Workers United?

6 A Yes.

7 Q And are you familiar with the Starbucks Workers United
8 Organizing Committee?

9 A Yes.

10 Q Are you a member of the committee?

11 A No.

12 Q Are you active in the Union at all?

13 A I am on the bargaining committee for the store.

14 Q And what's the status of the Union at your store?

15 A We voted in the spring of this year to unionize, but we
16 have not finalized a contract yet.

17 Q Sydney, how, if at all, do you show support for the Union
18 at work?

19 A I wear a pin on my apron, and if there's conversation
20 about the unions, I will join in support of it.

21 Q Who was your store manager in August of 2021?

22 A August 2021, my store manager was Nick Toler.

23 Q Is he still the store manager?

24 A No.

25 Q When did that change?



- 1 A I think it was the fall of 2021.
- 2 Q And since he left, who has your store manager been?
- 3 A We had a series of interim store managers for several
4 months. And our current store manager is MG Garcia.
- 5 Q Do you know MG's full name?
- 6 A Melissa Garcia.
- 7 Q When did MG become your store manager?
- 8 A A couple of months ago. I think it was February or March
9 of this year.
- 10 Q Who were the interim store managers at your store?
- 11 A There was Jack, Taylor, and Tiffany.
- 12 Q Do you know Jack's last name?
- 13 A I don't remember.
- 14 Q When was he a store manager at your store?
- 15 A He was our store manager from right after Nick left, which
16 I believe was September, October of 2021. And for I think, six
17 to eight weeks, maybe a couple months.
- 18 Q Do you know where Jack was from?
- 19 A I think he was from Wisconsin.
- 20 Q And was was the next interim store manager you had?
- 21 A Taylor and Tiffany came at about the same time.
- 22 Q Do you know either of their last names?
- 23 A I think Tiffany's last name was Mann, M-A-N-N, but I'm not
24 sure.
- 25 Q When did Taylor and Tiffany come to your store?

1 A They came at the end of Jack's term, a couple weeks before
2 he left. And they stayed for -- Taylor was about six weeks, I
3 think, and then Tiffany stayed for three to four months.

4 Q And what happened after they left?

5 A After Tiffany left, MG -- Melissa took over as store
6 manager.

7 Q When Nick Toler was your store manager, how often did you
8 see him in the store?

9 A I saw him in the store probably, most of the time that I
10 was working there, I worked four days a week and I saw him most
11 of the days that I was there.

12 Q What were your typical hours at that time?

13 A I worked about 20 hours a week. I would work in the
14 mornings 5 to 10 a.m. Monday, Wednesday, Friday; and on
15 Saturday I would work usually 5:30 to 2.

16 Q What did you observe Nick do while he was working in the
17 store?

18 A Sometimes he would help out on the floor. He would make
19 drinks, or help clean things, fill a support role or take
20 orders. And then when he was off the floor, he would be in the
21 cafe on his laptop, doing administrative work, setting the
22 schedule.

23 Q How often did you observe support managers in your store
24 in the fall of 2021?

25 A They were there probably as often as I was there. I don't

1 know if there was ever a time I was -- well, early, early
2 morning I would get there before they did. But they were
3 usually there most days I was working.

4 Q And what did you observe them do in the store?

5 A They would help on the floor sometimes. And when they
6 weren't on the floor, they would be in the back on the computer
7 or in the café on laptops, on calls, or doing administrative
8 work.

9 Q Does your store have a drive-thru?

10 A Yes.

11 Q When Nick Toler was your manager, did he ever work a
12 drive-thru position?

13 A Yes.

14 Q And when he did that, would you wear a headset?

15 A Yes, sure.

16 Q Who else in the store wore headsets when Nick was the
17 manager?

18 A The person taking the order in the drive-thru, the person
19 who's working the drive-thru bar, which was -- sometimes there
20 were two people, a hot bar and a cold bar. And usually the
21 customer support position as well. So they were available for
22 quick backups. And then whoever else wanted one, usually, they
23 wanted to be in on the conversation.

24 Q What kind of conversation do you mean?

25 A Just normal, like, work banter, telling jokes. I do

1 riddles sometimes.

2 Q And when would Nick Toler wear a headset?

3 A He would wear a --

4 MR. BALSAM: Objection, asked and answered.

5 JUDGE ROSAS: I'll allow it.

6 A He would wear a headset when he was taking orders,
7 sometimes when he was at the window register, cashing orders
8 out. Sometimes when he was on the bar.

9 Q BY MS. STANLEY: What about when he was doing
10 administrative tasks?

11 A He would wear a headset then.

12 Q Under the interim store managers who typically wore
13 headsets in your store?

14 A Usually the policy -- they -- they had us enforce the
15 policy, which was the person taking the order and then the
16 person who was making the drink for that order. And nobody
17 else.

18 Q Would any of the interim store managers wear headsets?

19 A Occasionally.

20 Q Would any of them have had that when they were not doing
21 one of those positions?

22 A Not usually, I don't think.

23 Q Did you notice any other changes in your store under the
24 interim managers?

25 A The pastry case, they were a little bit stricter about

1 making sure it was set up correctly; they were a bit stricter
2 about the dress code and lateness policies. There was a store
3 reset that happened while they were there.

4 Q Sydney, prior to the campaign, when Nick was your store
5 manager, were you ever disciplined for time and attendance?

6 A No.

7 Q Were you ever late?

8 A Occasionally.

9 Q What about under the interim store managers, were you ever
10 disciplined for time and attendance?

11 A Yes.

12 Q Did your store have a policy governing how to call out?

13 A Yes.

14 Q And when Nick was your store manager, what was the
15 practice in your store?

16 A Typically when people were calling out -- if they were
17 late, sometimes they would text the group chat that they were
18 running a couple minutes late or they would text or call the
19 personal cellphone of the shift on duty, or sometimes call the
20 store.

21 Q And did that practice ever change?

22 A After Nick left, we were -- the -- the policy was sort of
23 updated or kind of reenforced that we were supposed to call the
24 store phone, or if it was before we were open, call our store
25 manager.



1 Q Did your store have a policy on language usage?

2 A When Nick was there, he kind of allowed most things, you
3 just kind of weren't allowed to swear in front of customers.
4 You did get, you know, a little bit of a lecture. But after
5 Nick left, they got a little extra care about the swearing
6 policy, people would get coaching for swearing incidents.

7 Q How do you know that?

8 A I witnessed a few people get coaching.

9 Q Who's the current district manager for your store?

10 A Tiffany.

11 Q Who was the district manager prior to Tiffany?

12 A MK.

13 Q And what about before her?

14 A Before her was Dave LeFrois, I believe.

15 Q Did you ever have a conversation with MK?

16 A Yeah.

17 Q On what occasion was that?

18 A There were a couple times.

19 Q Tell me about the first time?

20 A First time I had a conver -- or a conversation with MK was
21 a couple weeks after the Union campaign started. They had sort
22 of -- they posted stuff for the evening and had a -- kind of
23 reconnecting with, like, Starbucks opportunities evening. And
24 MK was there, a lot of other staff and people were there and
25 there were like snacks and things. And you go around and talk

1 to people at booths. And MK and I had a conversation about
2 like what I was studying, how I ended up at Starbucks, where I
3 wanted my career at Starbucks to go.

4 Q What about the next conversation you had with MK, when was
5 that?

6 A The next one I remember is she was in the store at one
7 point and had made plans for our renovations. That were
8 supposed to be in March of this year, they got moved; the last
9 thing I heard was September this year.

10 Q And what did MK say?

11 A She showed us the plans -- there were like, two or three
12 of us around at the time -- of like how the store would look
13 and said they're transitioning to be, like, a little bit more
14 cafe friendly, moving things to be more efficient. Yeah, I
15 think there was a meeting on expanding -- expanding cold bar,
16 and moving the registers.

17 Q And approximately when was that conversation?

18 A I think that would have been -- it would have been in the
19 winter of 2021, at some point.

20 Q Did you notice any physical changes to the store after the
21 campaign started?

22 A After the campaign started, there was a store reset that
23 happened.

24 Q When was that?

25 A What is it?



1 Q When was that?

2 A That was probably a month and a half after the campaign
3 started.

4 Q And did you work in the store after the reset was
5 completed?

6 A Yes.

7 Q What did you see that was different?

8 A Some shelving was rearranged. There was -- I don't
9 remember if this is part of the reset or not. There was a
10 freezer in the back that was taken out of the back and is no
11 longer in the store. There were email -- backups, the backup
12 station where the customer support well makes backups was
13 rearranged, the layout of some of the bars were rearranged.

14 Q Sydney, are you aware of any employees who left the store
15 after the campaign started?

16 A Yes.

17 Q Specifically, anyone who is terminated?

18 A Yes.

19 Q Who was that person?

20 A Angel Krempa was terminated.

21 Q Anyone before her?

22 A Mina Park was also terminated.

23 Q Anyone before them? Toward the beginning?

24 A At the very beginning, Jenny Kaparava (phonetic) was
25 terminated.



1 Q And are you familiar with Angel Krempa?

2 A Yes.

3 Q How do you know her?

4 A We -- she worked at the store when I started there. And
5 we've worked together for a long time now.

6 Q Were you ever assigned to be a key holder when Angel was
7 also scheduled to work?

8 A Yes.

9 Q Do you ever recall a specific instance -- actually, when
10 was that?

11 A When was that, there were several times. Yeah, throughout
12 the winter of 2021 and onward, until her termination, we worked
13 together a lot, and I was key holder when she was a barista,
14 and she was a key holder when I was a barista.

15 Q Do you recall any specific instance where you were the key
16 holder, Angel was scheduled to work and Angel was late to work?

17 A Yes.

18 Q When was that?

19 A There was an incident on March 7th when Angel was
20 scheduled to work, and she was late.

21 Q What happened that day?

22 A It was about 10 minutes before we were scheduled to start,
23 so it was when the store was opening at 5, or we were starting
24 our shifts at 5:30 and store was opening at 6. So it was 5:20,
25 10 minutes before the shift was going to start. And I got a



1 call from her on my cell phone; I was waiting up in the parking
2 lot in my car because the store wasn't yet opened, or shift
3 hadn't started yet. And she called and she said her car
4 wouldn't start she was working on it, and she'd probably be a
5 couple minutes late.

6 Q And what'd you say?

7 A And I said, that's perfectly fine. Thank you for letting
8 me know. And we'll see you when you get here, be safe.

9 Q And did Angel come to work that day?

10 A She did.

11 Q Are you supposed to do anything when someone calls in
12 late?

13 A There is a section in the daily records book for us to
14 write down to notify the other shifts, store manager when
15 someone calls in late. And that's an option. I think I forgot
16 to that day though.

17 Q Did any manager ever ask you about that incident?

18 A Not that I recall, no.

19 MS. STANLEY: I'm going to show the witness -- I forgot to
20 put it up there earlier -- General Counsel Exhibit 101.

21 Q Sydney, do you recognize the document?

22 A Yes.

23 Q What is this?

24 A This is a screenshot from the call log on my phone.

25 Q How do you -- what date?

1 A This -- the screenshot is from March 7th, or the call log
2 is showing March 7. The screenshot is taken July 27. This
3 part shows that.

4 Q How to know that it's March 7th in the screenshot?

5 A There is a date in the call log that says March 7th.

6 Q How does that correspond to -- to the numbers on -- on the
7 sheet?

8 A The date that the calls were made goes above the section
9 of calls for that date.

10 Q Did you take the screenshot?

11 A Yes.

12 Q Did you alter it in any way?

13 A No.

14 Q Did you alter the underlying call log in anyway?

15 A No.

16 Q What did you do with the screenshot after you took it?

17 A I sent it to.

18 MS. STANLEY: I would offer our General Counsel Exhibit
19 101.

20 MR. BALSAM: I have no objection.

21 JUDGE ROSAS: General Counsel's 101 is received.

22 **(General Counsel Exhibit Number 101 Received into Evidence)**

23 Q BY MS. STANLEY: Sydney, when did you join the bargaining
24 committee for your store?

25 A I can't remember exactly when. I believe Angel asked me



1 if I wanted to be part of it. A month or two before our vote,
2 which was in the spring of 2021.

3 Q To your knowledge, has said that they were bargaining with
4 the bargaining committee over Angel Krempa's termination?

5 MR. BALSAM: Objection, relevance.

6 JUDGE ROSAS: It's an allegation?

7 MS. STANLEY: Yes, I believe so. Yeah.

8 JUDGE ROSAS: Overruled.

9 A So yeah? I -- to date at our store, we have not bargained
10 yet.

11 Q BY MS. STANLEY: Has Starbucks have a bargain with the
12 bargaining committee over Mina Park's termination?

13 MR. BALSAM: Objection, relevance.

14 MS. STANLEY: Again, there's an allegation.

15 JUDGE ROSAS: Overruled.

16 A At our store, again, there -- we haven't bargained.

17 Q Have any corporate managers ever come into your store?

18 A Yes.

19 Q Do you remember any by name?

20 A Rossann has been in our store before. Melanie Joy has
21 been in our store. There was -- someone named Louis (phonetic)
22 has been in our store before. Yeah, that's all I know.

23 Q When did Melanie Joy come to your store?

24 A Melanie Joy came to our store, probably a week or two
25 after Jack started as our interim store manager, she would pop

1 another once in a while and help out.

2 Q And what would she do while in the store?

3 A Oftentimes we have her take it out because it's always
4 needs to be done. She would come in and ask, you know, is
5 there any way I can help. Sometimes she would help organize
6 the back room, clean something, make a drink or two.

7 Q Do there come a time when Melanie Joy stopped coming to
8 your store?

9 A Yes.

10 Q When was that?

11 A That was in early spring 2012.

12 Q And did she say why she was going to stop coming to your
13 store?

14 A She left a note in the back.

15 Q Did you see that note?

16 A Yes.

17 Q What did it say?

18 A It said essentially, thank you for having me here. And
19 I -- I know that you guys have been feeling uncomfortable with
20 the level of corporate presence, you know, feeling watched a
21 little bit, so I'm not going to hang around anymore. But you
22 know, thank you, guys. And I wish you the best.

23 MS. STANLEY: I have nothing further at this time.

24 **CROSS-EXAMINATION**

25 Q BY MR. BALSAM: Sydney, just one clarifying question about



1 the last thing you asked. Sorry, here. What year was Melanie
2 Joy coming to the store?

3 A She came in 2021. Yeah, 2021 and a little bit into 2022.

4 Q So she stopped coming in 2022?

5 A 2022, yeah.

6 Q Okay.

7 A Because we voted, it was a little bit before our vote.

8 MR. BALSAM: Okay. One moment. Nothing further, Your
9 Honor.

10 JUDGE ROSAS: All right.

11 MS. STANLEY: She has a three page statement.

12 JUDGE ROSAS: Okay. Let's go off the record. Three
13 pages, you said.

14 MS. STANLEY: Yes.

15 (Off the record at 4:07 p.m.)

16 JUDGE ROSAS: Okay. Respondent?

17 MR. BALSAM: Thank you.

18 **RESUMED CROSS-EXAMINATION**

19 Q BY MR. BALSAM: You testified that the time in attendance
20 policy was updated or reinforced, correct?

21 A Yes, sorry.

22 Q Yes. And that your understanding of -- from that point on
23 that in order to notify someone at Starbucks of your lateness
24 you have to contact the store manager, right?

25 A No. The policy was to call the store or call store



1 manager.

2 Q Store or store manager?

3 A Uh-huh.

4 Q You said that -- you testify that you had been disciplined
5 for being late, correct?

6 A Yes.

7 Q How late were you when you were disciplined?

8 A A few minutes. Sometimes -- the latest was 40 minutes.

9 Q Latest was how many minutes?

10 A 40 minutes.

11 Q 4-0?

12 A Uh-huh.

13 Q And when did that occur?

14 A It was several -- several months ago. While MG was our
15 store manager, I believe.

16 Q And when Angel was disciplined for being late, how long
17 was she -- how long was she -- how much late -- how late was
18 she when she arrived to work?

19 A About five minutes. Maybe 5 to 10 minutes.

20 Q You testified that Nick did not permit partners for
21 swearing in front of customers, correct?

22 A No.

23 Q You did not testify to that?

24 A Oh, no, I did. Yes. Sorry.

25 JUDGE ROSAS: Did not what?



1 MR. BALSAM: Did not permit partners from swearing in
2 front of customers.

3 MS. STANLEY: Objection to form. Did not permit them from
4 swearing, I don't understand. I'm sorry.

5 MR. BALSAM: I'm sorry. I can clarify if necessary, I
6 don't think everyone understood the question.

7 Q BY MR. BALSAM: Your testimony was that Nick did not
8 permit partners to swear in front of customers, correct?

9 A Yes, partners were not allowed to swear in front of
10 customers.

11 MR. BALSAM: That's right. I have nothing further.

12 JUDGE ROSAS: Any follow-up?

13 MS. STANLEY: Nothing, Your Honor.

14 MR. BALSAM: No questions.

15 JUDGE ROSAS: Thank you. Your testimony is concluded.
16 Don't discuss your testimony with anyone until you're advise
17 otherwise by counsel, all right? Have a good day.

18 THE WITNESS: Thank you.

19 MS. STANLEY: Can I have that statement back? Can I have
20 her statement back, please?

21 MR. BALSAM: Yeah.

22 MS. STANLEY: Thanks, Sydney.

23 JUDGE ROSAS: Off the record.

24 (Off the record at 4:13 p.m.)

25 JUDGE ROSAS: We're adjourned until 9 a.m. Off the



1 record.

2 **(Whereupon, the hearing in the above-entitled matter was**
3 **recessed at 4:15 p.m. until Tuesday, August 2, 2022 at 9:00**
4 **a.m.)**

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C E R T I F I C A T I O N

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2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 3, Case Numbers
4 03-CA-285671, Starbucks Corporation and Workers United, held at
5 the National Labor Relations Board, Region 3, Jackson
6 Courthouse, Wyoming Courtroom, 2 Niagara Square, Buffalo, New
7 York 14202-2465, on August 1, 2022, at 9:03 a.m. was held
8 according to the record, and that this is the original,
9 complete, and true and accurate transcript that has been
10 compared to the reporting or recording, accomplished at the
11 hearing, that the exhibit files have been checked for
12 completeness and no exhibits received in evidence or in the
13 rejected exhibit files are missing.

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ELAINE LAROSEE

18 Official Reporter
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